IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Keith Dougherty :
Brent Frey :
Erica Frey :
R. Michael Best :
And all "others similarly situated"; :
Seeking Class Certification :
As SMLLC "owners" :
Docson Consulting LLC : No: 1:17-CV-1589
(a single member LLC) Jean Brady :
(partner) and Kenneth Brady, 1099 :
Misc employee president of CUC of :
MD Inc. :
Assignees of same :
Keith Dougherty Investments & :
Consulting LLC :
:
Plaintiffs, :
:
v. :
:
Jared Dupes :
PA Department of Revenue :
Bureau of Compliance :
In his "individual and :
Supervisory Capacity" :
Commonwealth Court :
Clerk :
In its Executive and Official :
Capacity :
Christopher Conner :
IN his Executive Function :
Caldwell, Jones, Carlson, :
Blewit, Welsh "in their official :
capacity"; :
PA Unified Judiciary :
All Previously Cited Cases :
[Pending] :

IN their "official capacity" :
:
Defendants, : Jury Trial Demanded
:

Jurisdiction And Venue

28 U.S. Code § 1331 - Federal question Provides Jurisdiction:

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

inclusive of; "enforcement" through;

28 U.S. Code Chapter 151 - DECLARATORY JUDGMENTS
Rule 12(h)(1); Local Rule "pertaining to" [fraudulent] 15 Additional Days for Briefing; 3rd Cir IOP Rule 10.6 "amending the constitution" by Committee [vote] Under 28 USC 2077(b); No "Magistrate can Rule on any "Injunctive Relief"" except a motion for injunctive relief
28 U.S. Code § 636 - Jurisdiction, powers, and temporary assignment;
13-CV-447 (MD PA);
28 USC 2201

28 U.S. Code § 2202 - Further relief Related to; State [corporate] Franchise Tax(s); pursuant to;

FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016) "fraud" as to LLC's being classified as "corporations" for [fraudulent] tax collection purposes; Demanding 5th/ &14th Amendment "equal protection";

Belleville Catering Co. v. Champaign Market Place, No. 02-3975 (7th Cir. 12/1/2003) IS a direct "analog" to all 22+ Cases; Magistrates are "strictly precluded from *sua sponte* determinations on any Injunctive relief" so too are "clerks as applied to Rule 55" EXHIKBIT K;

There is "no personal jurisdiction" [in any court] without "equal application of 28 USC 2072 "even if "all ABA Members Agree"";

The Length and detail is directly proportionate to all ABA members "not accepting Lord Camden's Treatise on Trespass" as the "foundation" of the 4th Amendment (and an enforceable "right of the people" against [any] and all "government" as Articulated in Heller I and Confirmed in BRIAN WRENN, ET AL., APPELLANTS v. DISTRICT OF COLUMBIA, ET AL., APPELLEES No. 16-7025 (DC Cir 7/25/2017)) [when the Supreme Court as late as 2013 Florida v. Jardines "had stated conclusively" the "inferior Tribunals have no Discretion" the "Rule is stated clearly";

> Massachusetts did not invalidate all these longstanding constructions....
>
> That case did not hold that EPA must always regulate greenhouse gases ... but only that EPA must "ground its reasons for action or inaction in the statute," 549 U. S., at 535 (emphasis added), rather than on "reasoning divorced from the statutory text," id., id. p. 13; UTILITY AIR REGULATORY GROUP v. EPA 573 U. S. ____ (2014)
>
> The justification is submitted to the judges, who are to look into the books, and see if such a justification can be maintained by the text of the statute law, or by the principles of the common law. If no such excuse can be found or produced, the silence of the books is an authority, against the defendant, and the plaintiff must have judgment. According to this reasoning, it is now incumbent upon the defendants to show the law by which this seizure is warranted ["there is no "customary" LLC "definitions"] . If that cannot be done, it is a trespass." En tick v. Carrington and Three Other King's Messengers, reported at length in 19 Howell's State Trials 1029.
>
> Belleville Catering Co. v. Champaign Market Place, No. 02-3975 (7th Cir. 12/1/2003) Analog or analogue may refer to: Analogue (literature), a literary work that shares motifs, characters or events with another, but is not directly derived from it Wikipedia "no authority to rubber stamp the Socialism";

Where because "all judges and ABA Members Post Saul Alinsky's Rules for Radicals" do not comprehend [or choose to mischaracterize] Capitalism "and the limited jurisdiction of [all of] the Federal Courts" as an [enforcement mechanism ("equal protection")] there must be a "common law Jury" empaneled under the 7th Amendment; "to make all determinations" beginning with "person" as applied in [and under "strict scrutiny"] relating to "28 USC 2072 & 28 USC 1654":

EXHIBITS E, F, G, H, K "are otherwise "superfluous""... as "judicial discretion is all that matters"; Rejected in Supreme Court Precedent WATER SPLASH, INC. v. MENON 581 U. S. ____ (2017);

I. Default: (FRCP SS, Clerk's Manual Vol. I Chapter 6.34)

A. Any party....

2) The entry of default is a ministerial act (one which a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority without the use of judgment or discretion), and has only the effect of a public notice that the non responsive party has failed to defend the claim.

The Clerk's Refusal "to enter default can be attacked an at any time" id. p. 6; as "the absence of authority (to refuse)" is "without jurisdiction" Sebelius v. Auburn Regional 568 U. S. ____ (2013);

Fed.R.Civ.P 1 "is not superfluous" and "only the one and only Article III court can determine its meaning(s)" as "ordered by the Rules Enabling Act of 1934 ;

The Courts of the 3rd Cir "falsely conclude" there is no First Amendment "right to declaratory judgment" the way they say "to preserve unrestricted customs" [that may or may not be] in violation of the Constitution is to say "words have no "enforceable meaning"" [rather it is all up to the sound discretion of whoever the "prosecutor happens to be" (in any given situation)];

9 JUSTICE KENNEDY: But there's Article III

> 10 standing for declaratory relief all the time. You say
> 11 this course of action is being compelled on me. I want
> 12 a declaratory suit that says that it's void.
> US v. Texas 579 U. S. ____ (2016) p. 12 [oral argument];

Forrester v. White, 484 U.S. 219, 228-229 (1988) [declaratory and injunctive relief] (even) against [all] "inferior tribunals" Judges Interpreting the Bar Code (Local or Otherwise) (as "only the Supreme Court is equal to (the other) Article I and or Article II" [branches]);

District and Circuit "courts" are part of the Article I Branch (and are not independent);

42 U.S.C. §§ 1981, 1982, 1983 and 1985, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments.

Standard of Review Respectively for Preliminary Injunction and "then 12(b)(6) related to 42 U.S.C. § 1985" etc.;

Using the Standard [for preliminary injunction] as applied in Conestoga Woods Specialties to "demonstrate" even though having cited the Proper Standard the 3rd Cir "En Banc" was reversed yet again "due to its Socialistic mis-understanding of 28 USC § 2077(b)" [no] "authority to amend the constitution [even] to outlaw Capitalism" (as "sought by ANTIFA" (and as a "solution to ERISA pension funding theft" (at the Local, County, State Levels "not protected by PBGC"))):

> —A party seeking a preliminary injunction must show: (1) a likelihood of success on the merits; (2) that it will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.‖ Kos Pharms, Inc. v. Andrx Corp., 369 F.3d 700, 708 (3d Cir. 2004). A plaintiff seeking an injunction must meet all four criteria, as —[a] plaintiff's failure to establish any element in its favor renders a preliminary injunction inappropriate.‖ NutraSweet Co. v. Vit-Mar Enters., Inc., 176 F.3d 151, 153 (3d Cir. 1999). This is the same standard applied in the District Court, and, on appeal, no party has questioned its accuracy.6 We will first consider whether Appellants are likely to succeed on the

merits of their claim, beginning with the claims asserted by Conestoga, a for-profit, secular corporation. Pp. 14-15;

PRECEDENTIAL 13-1144 (3rd Cir 7/26/2013)
Reversed;

If the invasion or trespass is categorized as a continuing trespass, then the landowner [or [personal] Property owner see Horne (2015)] has the option of bringing successive actions: e. g. 10-CV-1071 (MD PA); as a "constitutional abrogation of Lord Camden's Treatise on Trespass" (coordinated through the Commonwealth Court & the Department of Labor and Industry, [as] "refusing to enforce the PCCA" (just to Promote Unions (see Leer Electric v. Department of L&I));

EXHIBIT A;

The actor's failure to remove from land in the possession of another a structure, chattel or other thing which he has tortiously erected or placed on the land constitutes a continuing trespass for the entire time during which the thing is wrongfully on the land and ... confers on the possessor of the land an option to maintain a succession of actions based on the theory of continuing trespass or to treat the continuance of the thing on the land as an aggravation of the original trespass.

RESTATEMENT (2nd) OF TORTS, § 161 cmt. b (1965).

Dombrowski v. Gould Electronics, Inc., 954 F.Supp. 1006, 1011 (M.D. Pa., 1996)

As every American statesmen, during our revolutionary and formative period as a nation, was undoubtedly familiar with this monument of English freedom, and considered it as the true and ultimate expression of constitutional law, it may be confidently asserted that its propositions were in the minds of those who framed the Fourth Amendment to the Constitution, and were considered as sufficiently explanatory of what was meant by unreasonable searches and seizures. We think, therefore, it is pertinent to the present subject of

discussion to quote somewhat largely from this celebrated judgment. Id. pp. 626-627; Boyd v. US 116 U.S. 616 (1886);

> "The great end for which men entered into society was to secure their property [including "membership" (defined as "owners") in a LLC]. That right is preserved sacred and incommunicable in all instances where it has not been taken away or abridged by some public law for the good of the whole. The cases where this right of property is set aside by positive law are various. Distresses, executions, forfeitures, taxes, &c., are all of this description, wherein every man, by common consent, gives up that right for the sake of justice and the general good. By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my license, but he is liable to an action, though the damage be nothing, which is proved by every declaration in trespass where the defendant is called upon to answer for bruising the grass and even treading upon the soil. If he admits the fact, he is bound to show, by way of justification, that some positive law has justified or excused him. The justification is submitted to the judges, who are to look into the books, and see if such a justification can be maintained by the text of the statute law, or by the principles of the common law. If no such excuse can be found or produced, the silence of the books is an authority, against the defendant, and the plaintiff must have judgment. According to this reasoning, it is now incumbent upon the defendants to show the law by which this seizure is warranted. If that cannot be done, it is a trespass." Entick v. Carrington and Three Other King's Messengers, reported at length in 19 Howell's State Trials 1029. The action was trespass for interfering the plaintiff's dwelling house in November, 1762, 1765 Id. p. 627 Boyd v. US 116 U.S. 616 (1886);

> Still "Good Law":

> Ibid. Entick v. Carrington, 2 Wils. K. B. 275, 95 Eng. Rep. 807 (K. B. 1765), a case "undoubtedly familiar" to "every American statesman" [except the Judiciary Panel of the 3rd Cir see IOP 10.6 "*sua sponte*"] at the time of the Founding, Boyd v. United States, 116 U. S. 616, 626 (1886), states the general rule

clearly: "[O]ur law holds the property of every man so sacred, that no man can set his foot upon his neighbour's close without his leave." 2 Wils. K. B., at 291, 95 Eng. Rep., at 817. Id. Pp. 5-6;

FLORIDA v. JARDINES 569 U. S. ____ (2013);

Former Justice Scalia "stated repeatedly" [the greatest property and liberty interest] that any "individual" who is under the Lawful Jurisdiction of the United States Constitution has at their disposal is the 1789 "Enforcement Mechanism OF THE "UNAMENDED CONSTITION" OTHERWISE THE Bill of Rights is "as Arms without a Body" ("unique in all of the world's History"): Any "it goes with you wherever you travel" in in "special places" where you are "not allowed to carry your Guns"…

Attached [are] "CLE Courses" inviting the "socialist Enclave(s) to train on subjects like "Entity Election" [see Attorney Baily "sanctioned with CE's" for "repeatedly making specious arguments" (before being "disbarred")] which is "a right of the people" Declaratory Judgment [under] "free assembly"; United Mine Workers 389 U.S. 217 (1967); "piercing the corporate veil" Declaratory Judgment as to "the LLC Act" and the "full faith and credit clause [for all "persons" as articulated in Burwell v. Hobby Lobby; 28 USC 1654/28 USC 1738"; "Making your Clients Judgment Proof" [except in the Middle District of PA] where "everything is in the [sound] discretion of the clerks": Declaratory Judgment as to Rule 55;

For Clarity: In 1966 "during the "hippie" rage the Incompetent 3rd Cir Created Simbraw v. U S., in 1967 "the Supreme Court Rejected that notion" in United Mine Workers 389 U.S. 217 (1967); In Burwell v. Hobby Lobby (6/30/2014) the Supreme court Affirmed that position;

Saul Alinsky "socialists" say "a right of the people" [as defined in Heller I] does not extend to "property rights" otherwise "socialism will never be able to blossom in the United States" and we will never be able to say "from those according to their

ability" to those "according to their needs" here "the underfunded pensions" at the Local, County and State Levels;

For 10 years "the Criminals of the 3rd Cir have said"; "no matter what the United States Constitution says related to "a right of the people" [[as] was written to be understood by the voters; and "the voters [roles] are used in [the selection of] all juries" (both 6th and 7th Amendment Juries) the 3rd Cir "only feels comfortable" if an "attorney authorized to practice" is "telling you what those words [actually] mean";

And only a "fool would appear pro se";

Looking at Simbraw v. US 367 F.2d 373 (3rd Cir 1966); and then Walacavage v. Excell 2000, Inc.480 A.2d 281 (PaSuper. 1984) you realize it is like "making a copy of a bad copy"..... the error just keeps getting worse and worse to where there is "no rights at all";

The Supreme Court of the United States is "the only Article III Court and the rest "must adhere to their precedents";

> If there is any truth to the old proverb that 'one who is his own lawyer has a fool for a client,' the Court by its opinion today now bestows a constitutional right on one to make a fool of himself. Faretta v. California 422 U.S. 806 (1975); Except in the 3rd Cir???

Leer Elec., Inc. v. Pennsylvania, Dept. of Labor 597 F.Supp.2d 470 (MD PA 1/30/2009);

On September 26, 2008, Leer filed a complaint alleging that the DLI has persisted in its efforts to debar Leer from future public works projects "for no other reason than [Leer's] employees have chosen to exercise their Section 7 rights under the National Labor Relations Act ... to remain non-union." (Id. ¶ 41.) Id p. 473

[and that cannot be tolerated (in Saul Alinsky's Utopia)];

In essence "the Leer Case is "Elrod v. Burns all over again" [patronage politics (outlawed in 1976) "where the Supreme Court Referenced NAZI's"] so too is Keith Dougherty v. The ABA Members of the 3rd, 4th and DC Circuits; Rule 21 is your "solution and your enemy";

Democrat Socialists "like ANTIFA" need "Union Power" that "enforces regulations" that "are not subject to judicial Review";

We of "the Common Law" say "give use" Lord Camden's Treatise on Trespass;

"it if is not in the Statute Books" or in the "common-law" it is not law "but mere tradition" (and there is [always] Article III Standing to say "it is void") US v. Texas:

Deuteronomy 17New King James Version (NKJV)

12 Now the man [or Judge] who acts presumptuously and will not heed... who stands to minister there before the... judge [justice(s) of the Supreme Court], that man shall die. So you shall put away the evil from...[the Judeo Christian Nation].... 13 And all the people shall hear and fear, and no longer act presumptuously.

The is [only] one Supreme Court [under Article III] and the Rest of you are "inferior";

Because the Court would not recognize any exceptions...I must confront it, though I do not regard it as a substantial question....

...The Court may have previously characterized ... the requirement as limiting " '[t]he power of a... court to modify a decree,'" ibid. (quoting Morley Constr. Co. v. Maryland Casualty Co., 300 U. S. 185, 187 (1937)), but it does not follow that jurisdiction is conditioned on...[it]... A court may lack the power to do something for reasons other than want of jurisdiction, and a rule can be inflexible without being jurisdictional. See Eberhart v. United States, 546 U. S. 12, 19

> (2005) (per curiam)….. ("'[T]he judicial power of the United States . . . is (except in enumerated instances, applicable exclusively to this Court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress'" (quoting Cary v. Curtis, 3 How. 236, 245 (1845)))…. Id. Pp. 2-3; ALITO, J., dissenting GREENLAW v. UNITED STATES 554 U. S. ____ (2008);
>
> We must stipulate "you want all government to be supreme" So that you will be the First to be Paid;

When the Clerk's Manual says "the clerk must enter default and [the clerk(s)] will not heed" [put them to death professionally]… when the Magistrate(s) will not heed [put them to death professionally]… when a Judge(s) Appointed for life will not heed [put them to death professionally] through impeachment by way of a "common law jury" lest we shall cease to exist as a "Nation of laws"…

> In interpreting this text, we are guided by the principle that "[t]he Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning." United States v. Sprague, 282 U. S. 716, 731 (1931); see also Gibbons v. Ogden, 9 Wheat. 1, 188 (1824). Normal meaning may of course include an idiomatic meaning, but it excludes secret or technical meanings that would not have been known to ordinary citizens in the founding generation. Id. p. 3;
>
> DISTRICT OF COLUMBIA v. HELLER 554 U. S. ____ (2008);
>
> It cannot be argued "the Politicians stole the money they were supposed to put into the pension funds" and now "the County/State/ And Federal] Agencies have been told if you do not invalidate the 4th Amendment" you will never receive the benefits you were promised;
>
> > [and the courts "will do their part" by way of "censuring questions" to prevent any $500,000,000 Jury Awards FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016)]

This by "definition is a Faction" [[all] government employees] coordinating with another Faction [all] ABA Members to say "the private property rights" of "[all] Citizens of the Various States Must be invaded" due to "economic circumstances";

Those "words" [person/Citizen] (statutory) do not mean what you think they mean! And we have to do away with the 7th Amendment "if we are expected to survive"; Carden v. Arkoma;

... I. find nothing to support Complainant's vague and improbable allegations concerning the existence of a conspiracy. Accordingly, Complainant's claim of intentional delay is dismissed as unsupported by evidence that would raise an inference that misconduct has occurred. 28 U.S.C. § 352(b)(l)(A)(iii); Rule ll(c)(l)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.
Id. p. 7

Keith Dougherty v. Chief McKee 15-CV-582 (DC DC) p. 13; see now 16-9425 Supreme Court;

11-2631, 11-3598, Heard by one (3) Judge Panel in violation of the then 3rd Cir IOP] "where the case of 11-2631 was required to be sent to the "motions panel where Keith Dougherty had/has already prevailed"" Case: 11-2631 Document: 003110616909 Page: 1 Date Filed: 08/05/2011; where Motz [was] Recruited "by Chief McKee to void 13-CV-1868 after 13-8521 (4th Cir 8/26/3013); to then [also] hear 13-CV-850, 14-CV-480, and 14-CV-922 "simultaneously" [where he [and they] could only be "assigned by "the Chief Of the Circuit"???

13-1040, 13-1904, 13-3772 was heard by one (3) Judge Panel;

And 14-4378, 15-1123, 15-1271, were heard by one (3) Judge Panel in violation of 28 USC 46(b) and the Federal Circuit's Rules;

Where the Mathematical probability is 1/24 X 1/23, 1/22, (2) X 1/24, X 1/23, X 1/22; (1) X 1/23, X 1/22, X 1/21,; (2) 1/23, X 1/22, X 1/21,; X (3) 1/23, X 1/22, X 1/21,; (1) X 1/23 X 1/22, X 1/21; (2) X 1/23, X 1/22, X 1/21; (3) X 1/23, X 1/22, 1/21 ='s The Random Possibility of

this selection??? [without regard for Motz's Selection] by [abusing] 28 USC 294(d)?

DC Circuit IOP 28 USC 46(b)

DISTRICT OF COLUMBIA COURT OF APPEALS
INTERNAL OPERATING PROCEDURES*

As Revised January 13,2014

I. Duties of the Chief Judge

A. To designate hearing divisions by random selection to hear and/or determine cases and controversies pending before the court.
B. To assign pending cases and controversies by random selection to the designated divisions for hearing and/or determination.

... I. find nothing to support Complainant's vague and improbable allegations concerning the existence of a conspiracy. Chief Judge McKee "with the Support of Chief Conner"?

Declaratory Judgment;

As to;

28 U.S. Code § 294 - Assignment of retired Justices or judges to active duty

(d) The Chief Justice of the United States shall maintain a roster of retired judges of the United States who are willing and able to undertake special judicial duties from time to time outside their own circuit,.... Such designation and assignment to a court of appeals or district court shall be made upon the presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises and to any other court of the United States upon the presentation of a certificate of necessity by the chief judge of such court.

28 U.S. Code § 46 - Assignment of judges; panels; hearings; quorum.....

(b)..... The United States Court of Appeals for the Federal Circuit shall determine by rule a procedure for the rotation of judges from panel to panel.....

"Declaratory Judgment as to "who is the Federal Circuit" [by 7th Amendment Jury';

Parties

Plaintiff(s) Keith Dougherty is a "Citizen SMLLC owner" (where only "corporations" are "artificial citizens" (status "mooted [now] by" Burwell v. Hobby Lobby) except as to "diversity jurisdiction") [and assignee] of CUC Of MD Inc./S-Corp. (MD Close Corp), MJCB LLC (PA SMLLC); whose former address [at all relevant times] was 8075 Manada View Drive Harrisburg, PA 17112, whose business address is 1134 South Black Horse Pike Blackwood NJ, 08012;

Erica Frey and Brent Frey are "each [current] "citizen" SMLLC Owners" 314 Main Street Watsontown, PA 17777;

Robert M. Best is a [current] "citizen", "SMLLC" owner whose place of business is 6493 Carlisle Pike Mechanicsburg, PA 17050;

And "all others similarly situated":

Defendants Jared Dupes TACS in his "personal and official capacity" Is employed;
PA Department of Revenue l Bureau of Compliance
4th & Walnut St. | Harrisburg, PA 17128
Phone: 717-772-2794 | Fax: 717-783-6055
E-mail: jadupes@pa.gov
www.revenue.state.pa.us

The Commonwealth Court
601 Commonwealth Ave
Harrisburg, PA 17106 [is the only Jurisdiction for Enforcement of the PCCA (by L&I)];

DCCP, CCCP, YCCP
PA Unified Judiciary
Department of Labor and Industry
PCCA "enforcement";
North Hopewell Township;

Middle District of PA [aka] Federal Court System;
Including, Scirica, Smith, Chagares, McKee; Caldwell, Jones, Conner, Blewit, Carlson, Welsh;

> Is where the State Agencies are "located" and the Violated Structure is "coordinated through the PA Commonwealth Court" (to protect all "State Agencies");

As "all of the mentioned states" [Pennsylvania, New Jersey,] have engaged in [state employee] Pension Theft [and by necessity] "they now seek to invalidate [all] "private property rights" to "usher in Socialism" as "their final solution" [by "judicial fiat"] without the need of "amending the constitution" first;

The Refusal "to provide declaratory relief" is a "continuing wrong" and serves as the basis for "avoiding the mootness doctrine" which has been employed as a Ruse though [wide spread] Abuse of 12(b)(6);

> the "continuing wrong" doctrine. See United States v. Dickinson, 331 U.S. 745, 749, 67 S.Ct. 1382, 1385, 91 L.Ed. 1789 (1947) (holding that a landowner may "postpon[e] suit until the situation becomes stabilized.").
>
> And as there is nothing in reason, so there is nothing in legal doctrine to preclude the law from meeting such a process by postponing suit until the situation becomes stabilized. An owner of land flooded by the Government [corruption] would not unnaturally postpone bringing a suit against the Government for the flooding until the consequences of inundation have so manifested themselves that a final account may be struck.
>
> [The Supreme Court is currently reviewing Keith Dougherty v. McKee et al Cert under 16-9425];

The "un-stabilized State statute was the PCCA" [originally challenged as of 6/7/2007]; (and at all Relevant Times the Department of Labor and Industry was "required to bring action [only] in the Commonwealth Court for Enforcement") where any Citizen can "compel the government" to comply with the [Legislative] "structure" [of the Statute as written] and use PA's Mandamus Peremptory Judgment (and [compel] payment all damages); [in mandamus] as articulated in Lindy Homes, Inc. v. Sabatini 453 A.2d 972 (1982); There is "no waiting until all petitioners die" (because Government is a "non-profit corporation" that will "live forever") Elrod v. Burns says "to deny the petition clause" for even "minimal periods of time" because of "the desire to protect a/the Legal Nobility" [constitutes "irreparable harm"];

§ 7210.101. Short title
This act shall be known and may be cited as the Pennsylvania Construction Code Act.

§ 7210.102. Legislative findings and purpose

(b) INTENT AND PURPOSE.— It is the intent of the General Assembly and the purpose of this act:

(5) To eliminate unnecessary duplication of effort and fees related to the review of construction plans and the inspection of construction projects.

> [all permits last 5 years, and all 3rd Party Administrators must have [a] Minimum of $1,000,000 E&O Insurance" to "pay all valid claims" [for "interpretive omission(s)"] when they "refuse to comply with the Statute" (Declaratory Judgment as to PA 7540)] "mandatory construction appeals board";

(6) To assure that officials charged with the administration and enforcement of the technical provisions of this act are adequately trained and supervised.

§ 7210.105. Department of Labor and Industry
(a) REVIEW.—

(1) The department shall with reasonable cause review municipalities, municipal code officials, third-party agencies, construction code officials and code administrators concerning the enforcement and administra-tion of this act, including specifically complaints concerning accessibility requirements.

> [here "there must [always] be a mandatory construction appeals board "Carey v. Piphus" due process "absolute"]

(2) The department shall make a report to the governing body of the municipality that was the subject of the review. The report shall include recommendations to address any deficiency observed by the department.

(3) The department may require compliance with this act through proceedings in Commonwealth Court. Lindy Homes, Inc. v. Sabatini 453 A.2d 972 (1982); in light of Sebelius v. Auburn Regional 568 U. S. ____ (2013) "the tribunals can be attacked at any time" p. 6;

"Municipal code official." An individual employed by a municipality or more than one municipality and certified by the Department of Labor and Industry under this act to perform plan review of construction documents, in-spect construction or administer and enforce codes and regulations under this act or related acts.

> [once having issued a permit "there is no way to refuse to do inspections" (as 3rd Party Administrators cannot "use eminent domain") to "condemn a property even to "extort a bribe"]

"Municipality." A city, borough, incorporated town, township or home rule municipality.

(c) BOARD OF APPEALS.—

(1) A municipality which has adopted an ordinance for the administration and enforcement of this act or municipalities which are parties to an agreement for the joint administration and enforcement of this act shall establish a board of appeals as provided by Chapter 1 of the 1999 BOCA National Building Code, Fourteenth Edition, to hear appeals from decisions of the code administrator. Members of the

> municipality's governing body may not serve as members of the board of appeals.
>
> (5) In the case of an appeal or request for variance or extension of time involving the construction of a one-family or two-family residential building, the board of appeals shall convene a hearing within 30 days of the appeal. The Board of Appeals shall render a written decision to the parties within five business days, or within ten business days in cities of the first class, of the last hearing. If the board of appeals fails to act within the time period under this paragraph, the appeal shall be deemed granted.
>
> [here the Commonwealth Court "Clerk" said "it really isn't necessary" (but did it *per curiam*) to "make it [sound] official"]
>
> There "is no petition clause" within "government" [agencies] in the Middle District of PA [Federal, State, or Local];

to Require North Hopewell Township to empanel a Mandatory Construction Appeals Board "which they [simply] refused to do" (and chose instead "to engage in insurance fraud" [having the E&O "carrier refuse to pay" a valid claim] "by having the Township Liability Carrier "pay for an attorney"" in violation of Insurance law and the PCCA) and the PA Supreme Court "asserted Mandamus" was the proper Devise in Lindy Homes, Inc. v. Sabatini 453 A.2d 972 (1982) "to quash all related corruption and pay the damages" (William Caldwell as a "former DCCP Judge is first last and always a "politician"") who would never Rule against the "criminal conduct in York County Common Pleas" [or Commonwealth Court] (with approval of Former Chief McKee) "conspiring [then] with "Form Chief Scirica, Current Chief Smith and Future Chief Chagares" (to Quash all briefing "in violation of Carey V. Piphus" Case: 11-2631 Document: 003110616909 Page: 1 Date Filed: 08/05/2011) even when the Bureaucracies violate "the PCCA" where the Stop Work Order is [actually] a "continuing trespass" under the Common Law "and the dereliction of Duty employed by and through the Commonwealth Court is a [separate] "violation of the 14th Amendment"" Judge Caldwell and Former Chief McKee as Hobbs Act Conspritors;

It is a "simple process" the 3rd Cir "can [and must first] move for an amendment to the constitution [seeking] to provide" [each Court of Appeals]

can "establish its own fiefdom" where "the rules of Court are established by a 28 USC 2077(b) Panel" (rather than by the one and only Article III Court) "failing that process""; a "decision on the Merits as to Coordinated Court Corruption" as a "shelter for "property thieves" by "agency interpretation" can be defeated with "declaratory and injunctive relief" as ordained in Forrester v. White, 484 U.S. 219, 228-229 (1988);

Caldwell et all have acted as "Monty Python"... where they seek to run away.... Run away... until "the paupers' steeds have gone to ground..." we "can void Carey v. Piphus [they say] "for all white men with property"" as a "reparation for the 1789 Constitution" as a Socialist's "wet dream" unless the White Man is a "Government employee" [fighting against his employer] under San Filippo "reversed in Bureau of Duryea" 2011... yet again; The 3rd Cir "cannot comprehend the Petition clause"... repeatedly reversed see most recently HEFFERNAN v. CITY OF PATERSON 578 U. S. ____ (2016) "reversed again for saying" [use any excuse that will pass the smell test]; "to protect Government from its "honest mistakes"..."??? If the Government "truly can't afford to pay" [so long as the "pensions are [or Governments' Ability to pay them] is protected"];

It may very well be that Keith Dougherty is the "reincarnation of Hitler"... (in your mind) when advising the only way to "fix this economy" is through [civil] war;

What is sought is declaratory judgment indicating [any] Corrupt Judiciary "cannot" banish Keith Dougherty from the 3rd Cir? As a "person attainted" in violation of Article I Sec 9 and Article I Sec 10 "to the unamended constitution" simply because (they are offended) [that] the original [We the People] Only Protected White Men with Property? And "his kind are no longer welcome" in this Utopia? War by "paper" as opposed to Civil War? Democracies "always end violently" (when the people have voted themselves that which cannot be sustained): Keith Dougherty is "shorting the 3rd Cir" ...[as an investment] as they are "already dead";

Brief Description of the Case

1. The Courts of the 3rd Cir "have SOUGHT TO INVALIDATE" 4th Amendment rights of "capitalistic owners" who insist on "appearing Self-Represented" under the 6th Amendment "with devastating consequences" to "achieve socialism" for [all] "ABA Members and those they represent";

2. There is no "harmless error protections for Federal [or State] Clerks under Rule 55; WATER SPLASH, INC. v. MENON 581 U. S. ____ (2017) ["extortion by Hobbs Act Conspiracy"];

3. These efforts seek to "void the petition clause itself" by "interpretation of local rules" [creating a state within a state] in Violation of Article IV of the United States Constitution;

4. The need for [extensive] Background and detail is "evidenced by the refusal of the Courts of the 3rd Cir to "do their job" by way of pretending "the public can be duped and misled" by saying "those words do not mean what you think they mean";

5. It is for this reason [alone] "there is a 7th Amendment"; City of Monterey v. Del Monte Dunes 526 U.S. 687 (1999);

6. Federalist 9 and 10 prove "Democracies always die violently" when as here "Factions" invalidate [private] "property rights" to pay for "their desired level of government" by "actually saying "Government has a "right" to Collect Taxes [see Boyd v. US (1886)];

7. Fortunately in 1999 Over the objections of Justice O'Connor ["the First Angry Female" on the Supreme Court] the Supreme Court of the United States established 7th Amendment Precedent; City of Monterey v. Del Monte Dunes 526 U.S. 687 (1999);

8. When as here "all forums are denied" [the mootness doctrine is waived] and "a 7th Amendment Jury" will be the "finder of fact" and "the determinant as to what the law of the case [actually] is";

> e.g. Grimshaw v. Ford Motor Co. (1981); Tull v. United States (1987;
>
> "As a result, if a party so demands, a jury must determine the actual amount of statutory damages under [section 504(c)] in order 'to preserve the substance of the common-law right of trial by jury,'" wrote Justice Thomas. Feltner v. Columbia Pictures Television, Inc. 523 US 340 (1998);

The court instructed the jury to find for Del Monte Dunes if it found either that Del Monte Dunes had been denied all economically viable use of its property or that the city's decision to reject the final development proposal did not substantially advance a legitimate public purpose. The jury found for Del Monte Dunes.

Even; [after the sale of the Real Estate to the State of California (mootness doctrine avoided)] whereas in the "shit hole known as the Middle District of PA" President Judge Craig (PaCmwlth Court 1991) established "De Facto Taking [was] allowed aka [temporary] "theft by government"" in Stoner v. Township of Lower Merion; ignoring "the"; "separate violation" of constitutional protections aka "by delay and obfuscation" (aka "inverse condemnation") [reversed in R&J Holding Co. v. Redevelopment Auth. of the Cnty. of Montgomery 670 F.3d 420 (3rd Cir Dec. 9, 2011)] (25 Years of "theft by Government" (falsifying the "qualified immunity doctrine") where the 3rd Cir is "repeatedly reversed"); (the Courts when "interpreting "their Bar Code" are Susceptible to "declaratory and injunctive relief" Forrester v. White, 484 U.S. 219, 228-229 (1988);

> It is a violation of "the judges' constitutional oath" to say "a CFP® "is a corporation" to "contort Simbraw v. US" merely to ensure and "orderly market place for all ABA Members" [in a Maryland Diversity Case] where Maryland Securities Law "requires the CFP® designation "to lawfully charge for Financial Advice"" [in any trade mark case] and it is a "violation of Trade Mark Law" to associate the CFP® Marks "with any entity"; A "legal impossibility" [where as here] when the "sole member" of Docson Consulting LLC [a Financial Advisory Firm] "registered in Pennsylvania"] seeks the protection of "the full faith and credit clause" 28 USC 1738 "person protected";
>
> To Rule otherwise is to say "the PA LLC Act" is a [Government Sanctioned] "fraud in the inducement": by "judicial fiat";

by a "common law jury" to include an "impeachment recommendation" for violating 28 USC 455];

> The Criminals of the Middle District of PA [Judiciary] "imply" [knowledge and acquiescence] is not enough (opening the door to a Common Law Jury "to make all decisions" (that otherwise would be undertaken by a "presiding judge")); City of Monterey v. Del Monte Dunes 526 U.S. 687 (1999);

9. Beginning in the Commonwealth Court by a Petition for Writ of Mandamus "Keith Dougherty moved as a "Sole Member"" of a SMLLC [as well as a "sole practitioner" (which is the only way any CFP® "can" [without violating CFP "Trade Mark Law"])] "who had elected Disregarded status" [for each and every one of his entities] under IRS Code; and it took Judge Smith "plagiarizing" [Keith Dougherty's Arguments] in R&J Holding Co. v. Redevelopment Auth. of the Cnty. of Montgomery 670 F.3d 420 (3rd Cir Dec. 9, 2011) correcting PA's De Facto Taking precedent [as [misstated as a substitute for inverse condemnation (repeatedly in 3rd Circuit Cases)] as established in Stoner v. Twp. of Lower Merion (1991) "only to misapply" the new precedent to the Facts there; Resulting in the "mandate established in City of Monterey v. Del Monte Dunes (1999) indicating "since you never provided a forum" [aka "a decision on the merits] in the "shit hole known as the Middle District of PA" you are now "required under the 7th Amendment" to "provide a common law jury" for not Just "the Damages Trial" [but to "define person" under the Common Law] as you are "all Hobbs Act Criminals" who "bribe the FBI et al for Protection": Marbury v. Madison as "Supreme Court Precedent" is Jealously protected by the "one and only Article III Court" and either they "rein you in or a Well Regulated Militia "will execute all of you for Constitutional Treason";

> War by "paper" or "actual war is inevitable";
>
> Syllabus;
>
> 3. The District Court properly submitted the question of liability on Del Monte Dunes' regulatory takings claim to the jury. Pp. 707-711, 718-722. Monterey v. Del Monte Dunes at Monterey, Ltd. 526 U.S. 687 (1999);

10. To "avoid war by paper" the Criminal Enclave aka "the 3rd Cir" allowed "its clerk" to establish law "through usurping powers she does not lawfully possess"; Order of 6/20/2011; Case: 11-2631 Document: 003110567959 Page: 1 Date Filed: 06/20/2011;

> A corporation, partnership, or other organization or association may appear and be represented in this Court only by a licensed attorney who is also a member of this Court's bar. See Simbraw v. United States, 367 F.2d 373(3d Cir. 1966); ("[a] corporation may appeal in federal courts only through licensed counsel.").;see also Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-202, 113 S.Ct. 716 (1993). As Keith T. Dougherty does not appear to be a licensed attorney, he may not represent Docson Consulting, LLC or Keith Dougherty Insurance and Consulting in this appeal. Accordingly, it is hereby ORDERED that an attorney must enter an appearance on behalf of Docson Consulting, LLC and Keith Dougherty Insurance and Consulting within 21 days of the date of this Order or the appeal will be dismissed as to Docson Consulting, LLC and Keith Dougherty Insurance and Consulting. See 3rd Cir. LAR 107.2.
>
> For the Court,
> Marcia M. Waldron, Clerk

11. In Simbraw v. United States 367 F.2d 373 (3rd Cir 1966); "the court said" Corporations are Artificial Entities that can only "act through agents"; as such they said "only licensed agents can represent another" [in their court] and therefore "corporations could only appear through "licensed counsel";

12. That "position" has now been invalidated in Burwell v. Hobby Lobby "just as Conestoga Woods Specialties has been reversed" 13-1144 (3rd Cir En Banc 7/26/2013 (SC 13-356 Reversed));

> That was not the "subject of Keith Dougherty's Win" in 11-2631;
>
> Case: 11-2631 Document: 003110616909 Page: 2 Date Filed: 08/05/2011;
>
> Appellant Keith Dougherty's motion to reconsider the Clerk's order of June 20, 2011, is granted in part.... Appellant's motion is granted to the extent that he will be permitted to file a brief on behalf of both entities.

> [All Briefing Subsequently Quashed] "in violation of 3rd Cir IOP" As well as 28 USC 46(b)];

13. Keith Dougherty advised that dating back to Boyd v. US "1886" the Supreme Court said "no Federal Law" could Infringe on any Constitutional Value "even to collect taxes" [voiding the argument "it [seizure] should be allowed because the Merchants were not facing Criminal charges"] adopted by the Burwell v. Hobby Lobby Court 9-0 Opinion of J Ginsburg p. 19; "sole proprietors and their owners are one and the same" (as the only "entity" with [personal] Constitutional protections expressible through "the owners";

14. Undaunted the 3rd Cir clerk said "we as in the angry female contingent" can say [without any Circuit Precedent] "or partnership, or other organization or association may appear and be represented"... (contradicting Zambelli (3rd Cir 2010) without any such finding "in case law"... in Fact the only "published Circuit opinion is Reed v. US (9th Cir 1970)" where "general partners can represent themselves as well as the General Partnership"... [due to the joint and several liability issue] feeling undaunted "the angry Females" with the backing of [the] Criminal Chief(s) say(s) Rowland v. Men's Colony [(which was) mere] Dicta says "Reeves v. US was an aberration"...

> Thus, save in a few aberrant cases, [n.5] the lower courts have uniformly held that 28 U.S.C. § 1654 providing that "parties may plead and conduct their own cases personally or by counsel," does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.
>
> Rowland v. California Men's Colony (91-1188), 506 U.S. 194 (1993);
>
> Footnote 5 Two federal cases cited by respondent are the only two, of which we are aware, to hold that artificial entities may be represented by persons who are not licensed attorneys: United States v. Reeves, 431 F. 2d 1187 (CA9 1970) (per curiam) (partner can appear on behalf of a partnership), and In re Holliday's Tax Services, Inc., 417 F. Supp. 182 (EDNY 1976) (sole shareholder can appear for a closely held corporation), affirmance order sub nom. Holliday's Tax Services, Inc. v. Hauptman, 614 F. 2d 1287 (CA2 1979).

[this [footnote] has nothing to do with 1915 (person) and "everything to do with "new precedent as to 1 USC 1 "as a separate Federal Statue"" (merely equal authority) "following the "progressive interpretation" of "the establishment clause" as [improperly being] superior to the "very same Free Exercise Clause" (Prompting RFRA to begin with) see Smith/ Burwell v. Hobby Lobby]

15. This [is] the "criminal conduct" that paved the way for 10-CV-1071 (MD PA). Where the Criminal Caldwell "conspiring with Peter Welsh" [at the behest of] Chief McKee "had the clerk refuse to enter default"] providing EXHIBIT as an "excuse" (pages of the Clerk's Manual);

As if by the hand of God Manuel v. Joliet "now provides relief":

In doing so, the court should look to the common law of torts for guidance [here as a "continuing trespass" [against (all of) "Keith Dougherty's Commerce" ((where the court is) extrapolating [the losing argument] in The Agricultural Marketing Agreement Act of 1937 (Horne (2015))]10-CV-1071 (MD PA)], Carey v. Piphus, 435 U. S. 247, 257– 258, while also closely attending to the values and purposes of the constitutional right at issue. The court may also consider any other still-live issues relating to the elements of and rules applicable to Manuel's [Dougherty et al's] Fourth Amendment claim. Pp. 11–15.
MANUEL v. JOLIET 580 U. S. ____ (2017);

"a learning disable person" cannot "merely insist" their "reading of the facts" entitles them to "falsely imprison" (someone who has "vitamin supplements") nor can LLC's [be falsely accused of being a corporation]; Even if "you have a moron ["police officer" or "judge"] willing to certify their experience says it is "ecstasy" ["to be that stupid"]; see For instance "where the Judges must take CE Courses";

Making Your Clients Judgment-Proof
& Asset Protection CLE
Thursday, Sept. 28, Noon - 1:30 PM
90-Minute Telephonic Seminar
Registration includes access to 170 pages of written course & reference material Rossdale CLE
A National Leader in Legal Education

Is "worthless unless you bribe the 3rd Cir Clerks and Judges" (with "social respect"?):

Maryland "will enter default against the entity" and [then] PA says "there is no full faith a credit clause" [unless [all] ABA Members are "otherwise" fully employed];

16. Caldwell's "criminal conspiracy" 10-CV-1071 (MD PA); is revealed in his "own words" where in Tressler v. Red Lion" he properly "refused to open the default" because "there is no defense for denial of due process" [just as there is no "defense for inverse condemnation"] what was not revealed until Horne in 2015 "is personal property" (which is all that any LLC can be [as] "it cannot convey citizenship" like a corporation (see Even Zambelli Fire Works)) is "now just as protected as real property" under the Just Compensation Clause [raisins are as to "farmers" as contracts and LLC's are to "Registered Investment Advisors" (and the PA Firm)] Farms are synonymous with Firms... Duh!;

17. Since North Hopewell Township "did not even have the mandatory Construction Appeals Board" (at any relevant time) that had to "convene and rule on Keith Dougherty's request for an extension of time"... and [separately] his "appeal of the unlawful stop work order"... within 30 days "the plain language" for other than "the learning disabled" reads "those actions are deemed granted"; even though the Department of Labor and Industry "refuses to enforce the PCCA through Action [as only authorized] in the Commonwealth Court";... easy pezy "you can't get there from here "per curiam"..." is a Hobbs Act Crime "by official acts"?

18. First Evangelical Lutheran says it all at page 321 (you all must [still] pay); "once the PA Supreme Court said" mandamus was the proper pleading and Pennsylvania "unique in its "Peremptory judgment Rule"" [which is] only available in "Mandamus"; proves, it became a crime "for Pamela Lee and President Judge Linebaugh "to remove default from the Case File"" [even by "post it note"]; WATER SPLASH, INC. v. MENON 581 U. S. ____ (2017); by a [mere] "post it note" for "plausible deniability" [saying "it doesn't follow the rules"] (is as feckless as saying "the Hague Convention does not allow "service by mail"") [the clerk "still must enter default" or be "terminated and then jailed") see Obergefell v. Hodges; and "Caldwell became a criminal when acting without Jurisdiction as in Doc 24 10-CV-

1071 (MD PA)" regardless of the crimes attributable to the Mandamus panels;

I

The Hobbs Act makes it a crime to "obstruc[t], dela[y],or affec[t] commerce . . . by . . . extortion." 18 U. S. C. §1951(a). The Act defines "extortion" as "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right." §1951(b)(2). Id. p. 1 JUSTICE THOMAS, dissenting. OCASIO v. UNITED STATES 578 U. S. ____ (2016);

When therefore Judge Eby [(now in) 2011-CV-4711 NT (an attempt to collect a debt) "violative of PA 73 P. S. § 201-1." (the Arbitration Act [as a "defense"] is "blocked by confessed judgment"☺)] "in the pending state action [when] he wrote" he will not allow Cluck U v. Docson Consulting LLC (to proceed) "unless Keith Dougherty pays an ABA Member "it is extortion"" [of however much "the attorney would be paid"] (and in No: 2016-CV-00384-EJ "on the record" he actually said "Boyd v. US does not apply to Pennsylvania Statutes "under his version of the Bill of Rights)) [that Justice Thomas warned of (requiring victims to "protest enough" to avoid being charged as a "co-conspirator" [identified by 15-1123 (3rd Cir Rendell as "vexatious"))];

The general federal conspiracy statute makes it a crime for "two or more persons [to] conspire . . . to commit any offense against the United States." 18 U. S. C. §371. p. 3 THOMAS, J., dissenting;

when in fact "Judge Eby is required to review subject matter jurisdiction aka "sua sponte""... as the Default Judgment MD Civil ID: CAL 10-09509 is "void as a matter of law"; [required] on his own and under the Federal Arbitration Act" he also "becomes a criminal";

[your clerks and "idiot squads" are instructed to "read the words as backwards if necessary]

'The rule . . . is inflexible and without exception, which requires this court, of its own motion, to deny its own jurisdiction, and, in the exercise of its appellate power, that of all other courts of the United States, in all cases where such jurisdiction does not affirmatively appear in the record on which, in the exercise of that power, it is called to act.' " 177 U.S., at 453, 20 S.Ct., at 691 (quoting Mansfield, C. & L.M.R. Co. v. Swan, 111 U.S. 379, 382, 4 S.Ct. 510, 511, 28 L.Ed. 462 (1884)). Id. p. 195

Carden v. Arkoma Associates 494 U.S. 185 (1990);

This "applies to the "petition clause" [Assembly] as well as "seizures"";

> "including the right to carry arms in public places" for "self-defense" [even if] only in a "war by paper"? (except in the 3rd Cir);
>
> We vacate both orders below and remand with instructions to enter permanent injunctions against enforcement of the District's good-reason law. [(here) Walacavage v. Excell 2000, Inc.480 A.2d 281 (PaSuper. 1984)] "permanent injunction" as applied to all "disregarded entities" P. 31
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> BRIAN WRENN, ET AL., APPELLANTS v. DISTRICT OF COLUMBIA, ET AL., APPELLEES No. 16-7025 (DC Cir 7/25/2017)
>
> Indeed, since our holding at this stage makes a certain outcome "inevitable" in these cases, "we have power to dispose [of it] 'as may be just under the circumstances,'" Gross v. United States, 390 U.S. 62, 71 (1968) (quoting 28 U.S.C. § 2106), and should do so "to obviate further and entirely unnecessary proceedings below," id. at 72; id. p. 30
>
> 28 U.S. Code § 2106 – Determination

> The Supreme Court or any other court of appellate jurisdiction ["3rd Cir "abrogating its responsibilities through clerks and senior judges")] may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances
>
> > [or [as] here "Clerk" law "saying LLC's are Corporations"]
>
> Especially in Light of PA's R 126; Walacavage v. Excell 2000, Inc.480 A.2d 281 (PaSuper. 1984) which is now void. "under 1 USC 1" and "the Supremacy Clause":

19. Which was [then merely] "adding Defendants in 10-3253" (under the General Conspiracy Statute 18 U. S. C. §371; Ocasio v. US, Dissent of J Thomas) when they were instructed by Chief McKee to treat 10-3253 "as if an interlocutory appeal of Doc 24 "without Griggs v. Provident Consumer Discount Jurisdiction""....(where "no one is prejudiced" was reversed per curiam) Even when [claiming harmless error (on their own part)] because 11-2631 "would allow appeal of the issue at the appropriate time" only to have "the criminals of Scirica, Smith and Chagares [as the 3 stooges] "quashed the briefing [allowed by motion] "usurping jurisdiction"" that does not exist through the use of IOP 10.6/LAR 27.4 "only to have the Jordan [mandamus] panel say 13-1040, 13-1904 "were vexatious""...

20. Prior to being "extorted to file" 13-1040 "Keith Dougherty properly filed a Fed.R.Civ.P 60(b)(4) "motion as the Circuit Order 10-3253 was void" under Griggs v. Provident Consumer Discount; "once again" the angry female Clerk "acting without jurisdiction" 8/24/2012 indicating "Order (Clerk) no action will be taken on motion by Petitioner Under 60(b)(4) to Strike Order as of 9/10/10 ... whereas "directly on point" in a similar situation Fed.R.Civ.P Rule 21 "a civil rule" was properly used [in the appellate process] to "reach a decision on the merits": 11-2631/11-3598 "are void as well":

> Accordingly, we hold that Pyrotecnico is a dispensable party to this action and we will exercise our Rule 21 authority to dismiss Pyrotecnico on appeal, thus restoring complete diversity in this case. Having cured the jurisdictional defect, we now proceed to the merits of the appeal. [592 F.3d 422]
>
> Zambelli Fireworks Mfg. Co., Inc. v. Wood 592 F.3d 412 (3rd Cir 2010); see Quackenbush "prohibiting Remand of "a damages case"":
>
> By contrast, federal courts may stay actions for damages based on abstention principles, but those principles do not support the outright dismissal or remand of damages actions. See, e.g., Louisiana Power & Light Co. v. Thibodaux, 360 U. S. 25, 28. Pp. 8-16. Quackenbush v. Allstate Ins. 517 U.S. 706 (1996) 11-CV-1295 (MD PA) "void on its face"; Since Eby "will not honor the remand he is a criminal as well":
>
> [the Keystone "idiot squad" saying "you can't get there from here"];
>
> The "petition clause is voided" (by "clerks and senile judges" [who cannot read]);
>
> CITY OF MONTEREY v. DEL MONTE DUNES AT MONTEREY, LTD. 526 U.S. 687 (1999) "as a remedy for refusing declaratory judgment" the "inferior tribunal(s) must provide a 7th Amendment Jury":

21. Consistent with the "criminal conspiracy of Leer Electric v. Department of Labor and Industry 597 F.Supp.2d 470 (MD PA 2009); "the Commonwealth Agencies" coalesced TO PRESERVE THEIR DESIRE TO "ELEIMINATE ALL NON-UNION BUSINESSES" (contracting with [or doing business in] the State of PA);

22. The Socialist "unions" truly believe "the only way to fund the promises made" [through the bankrupt "ERISA" Pension Plans] in the State , County and Municipal Plans [that are not protected through PBGC] is to "seize all property" necessary "to replace the funds" absconded by "the Corrupt Political Class"; Because "states cannot file for Bankruptcy"... see California [with the greatest union protection] and the "highest poverty rate" per capita in the Nation]; "Federalist 51 "outlined this" as "inevitable""... and Federalist 47 Said "if the 3rd Cir allowed for that concentration of power

"in its 28 USC 2077(b) interpretation to utilize IOP 10.6 and LAR 27.4 "they must be impeached"" or Executed;

23. 28 USC 46 "does not provide for the Amendment to the Constitution by agreement" of "past and Future Chiefs of the "inferior Tribunals"" Chasanow, Conner, Simandle, Scirica, Smith, Chagares, McKee... (your honor?) a Criminal by any other name is still a "Hobbs Act Criminal"... Motz and all of his "judgments are void":

24. The [Federal] Judiciary of the Middle District of PA "conspires with the [Federal/State] Governmental Bureaus" to "ensure protection for ABA Members and or Law School Attendees" as a "co-reliant faction" warned against in Federalist 10;

25. To achieve these goals "the Middle District of PA Judiciary" [Federal and State] has simply "voided the petition clause itself" (the Star Chamber);

26. Using "Star Chamber Tactics" the Litigant cannot present his "defense or strategy for winning if it is not Presented by an Attorney At Law" [a "Legal nobility Faction"] so as "to control outcomes" where "licensed attorneys are threatened with being Disbarred "if they challenge the norm"" see Attorney Bailey "disbarred at the direction of Chief Conner":

27. Ketanji Brown Jackson "was advised by the Clinton Campaign "if an angry Female became president" Citizens United and "its universal protection for Corporations" would be "dismantled"" (by Replacing the Scalia Vote); By way of a 5-4 Utopia "where there is a living Constitution" (not certain under a Merrick Garland); however [Justice Gorsuch] "is the par·a·dig·mat·ic Knight of the Bath" to Carden's par·a·dig·mat·ic "artificial entity"... where "even owners of artificial entities have rights"???

> A corporation is the- par adigmatic artificial "person," Pp. 187-188 Carden v. Arkoma Associates 494 U.S. 185 (1990); and now "all S-Corps are protected under "All Federal Statutes"" by the [mandatory use] use of the Dictionary Act (Burwell v. Hobby Lobby (Dictionary Act even for "dummies")):
>
> 12-6294, Hobby Lobby Stores, Inc., et al. v. Sebelius, et al.

> GORSUCH, joined by KELLY and TYMKOVICH, Circuit Judges, concurring. Judge Tymkovich explains why Hobby Lobby and Mardel are entitled to a preliminary injunction. I write to explain why the Greens [(here) Keith Dougherty "and all others similarly situated"] themselves, as individuals, are also entitled to relief and why the Anti-Injunction Act does not preclude us from supplying that relief.
>
> All of us face the problem of complicity [by knowledge and acquiescence (they stood by and watched Mother Brady, Sara and Larry II Die)]. All of us must answer for ourselves whether and to what degree we are willing to be involved in the wrongdoing of others. For some, religion provides an essential source of guidance both about what constitutes wrongful conduct and the degree to which those who assist others in committing wrongful conduct themselves bear moral culpability [some of us are Just Born warriors]. The Green family [& Keith Dougherty (as a sole member of Docson Consulting LLC)] members are among those who seek guidance from their faith on these questions. Understanding that is the key to understanding this case. Appeal: 13-1521 Doc: 14 Filed: 07/06/2013 Pg: 82 of 169
>
> Writ of Certiorari Keith Dougherty v. McKee et al 16-9425 Supreme Court Pages 40-41;

28. See also "the Judicial Misconduct and Disabilities Act Review Panel in the 3rd Cir as [merely] a "criminal cabal"" acting as a "Rubber Stamp" in violation of Hartman v. Moore "absent a decision on the merits" as to 28 USC 1654; They simply say "conspiracy is improbably" unless you wear a swastika "as ABA Means Good" (like the S on Superman's Chest) even as a Faction; or "faction for good".

29. The way "to success they say" is to say "you Keith Dougherty are not permitted to ask [your] questions" and obtain a "decision on the merits" as to "the definition of person" under 28 USC 1654 and "as applied" and under "Strict Scrutiny" as "required in FEC v. WRTL (2007) [the "precursor to" Citizens United] "circumventing the mootness doctrine";

30. This then allows the "Commonwealth Agencies" to Deny "procedural due process" by saying "there is no declaratory judgment and or other relief available for Keith Dougherty and "all those associated with him"":

31. See 203 MDA (PaSuper 2015) "per curiam denial of 7540" (resulting in the Death of Sara Runk "which then led to the death of Larry Runk II") [by yet another "Senior [and] Communist Judge" (without fear of his "pension being voided")]; "that Arab Spring reasoning [as in] "the enemy Cumberland County Common Pleas" of my enemy Keith Dougherty is my "friend" [even if Sara Runk Dies] as a "casualty of paper war"; Keith Dougherty "must be attained lest our way of life shall surely die" [and ERIE may not want to "continue to fund out state wide Judicial elections"]:

> PA 42 § 7540. Parties.
>
> (a) General rule.--When declaratory relief is sought, all persons [except Keith Dougherty (you say)] shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party and shall be entitled to be heard
>
> It is "more convenient to say" there is no 14th Amendment Protections for "owners" as we must "fund the [the Local, County and State Employee] pensions" [and the ABA Members have promised] they can make it happen;
>
> IN CONGRESS, JULY 4, 1776
>
> The unanimous Declaration of the thirteen united States of America

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, [or "criminally motivated "circuit/district chief executive""] whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. WOC p. 22;

> As we said in United States v. Verdugo- Urquidez, 494 U. S. 259, 265 (1990):
>
> > " '[T]he people' seems to have been a term of art employed in select parts of the Constitution. . . . [Its uses] sugges[t] that 'the people' protected by the Fourth Amendment, and by the

> First and Second Amendments, and to whom rights and powers are reserved in the Ninth and Tenth Amendments, refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community." Heller Id Pp. 6-7; [that you now must "evict" to make room for "slave labor"]

32. These [22 + Cases] are as if a "bill of attainder" ["against capitalist" owners] by Judicial Fiat to "preserve and protect" the "subversive political faction" aka "The American Bar Association" whose members seek Venezuelan style "socialism" with the "coordination of the Federal Courts of the 3rd Cir "to establish a [better] country without the need to succeed from the union"" as California "proposes";

33. The consistent and recurring theme is to say "The Rules Enabling Act" [by "local interpretation"] allows "Circuit Courts through their 28 USC 2077(b) panel "to amend the constitution" aka [create] "the living constitution"; as "your individual petition is not as important as the Good of the [politically correct] Community"; The Rodney King Law;

34. The coordination over the past 10 years "has as its ultimate goal of evicting Keith Dougherty from his profession" [no different than Disbarring Attorney Bailey] so as "to [then] unlawfully evict him from the 3rd Cir":

35. During the pendency of these cases "the IRS has Amended W9" at the suggestion of Keith Dougherty to establish "any SMLLC electing Disregarded" is a "sole proprietor" for Federal Income Tax and all other Federal Law Purposes;

36. King v. Burwell 576 US __ - Supreme Court, (2015) "clearly established" IRS "regulations" when they are required for the implementation of Law are "unassailable" [aka] "no judicial review" to say "SMLLC's electing Disregarded are "corporations" for all "other Governmental Purposes";

37. The only interest Government has "in any particular entity structure" is "the collection of taxes owed" ["free assembly" comes with "consequences"] and "the government shall make no law" (to the contrary);

Article I Section 8.

....but all duties, imposts and excises shall be uniform throughout the United States;

38. You cannot require some 1040 Schedule C Filers to "pay additional taxes [Corporate Net Income (taxes)] by way of RCT 101 and say "others are not required to do so"" [because they are "Not Corporations"]:

Men "even as bastards" [now] have "equal protection";

39. Even if "long standing custom" such as Simbraw must be declared "invalid":

Syllabus;

The classification must serve an important governmental interest today [we must "fund the [Municipal, County, and State] pensions" (at the expense of all others) is not a "compelling governmental interest"], for "new insights and societal understandings can reveal unjustified inequality . . . that once passed unnoticed and unchallenged." Obergefell v. Hodges, 576 U. S. ___, ___. Pp. 9–14.

The Legislative intent in the PCCA "was to prevent "duplication of efforts and fees" in the "review of construction plans and the inspection of construction projects" even if the PA Supreme Court "denied Cert" while engaging in "Circle Jerks" and "disbarring former AG Kane" who dared to "tell the world""... (what they were doing); see 10-CV-1071 (MD PA); After all "the open records law does not apply to the PA Unified Judiciary"?

40. If you wish to keep Simbraw v. US (1966); [as your prime directive] "you must [have] given up LBGTQ rights [e. g. Caitlyn Jenner's rights] as well" (the "ship has [already] sailed"):

Footnote 1As this case involves federal, not state, legislation, the applicable equality guarantee is not the Fourteenth Amendment's explicit Equal Protection Clause, it is the guarantee implicit in the Fifth Amendment's Due Process Clause. See Weinberger v. Wiesenfeld, 420 U. S. 636, 638, n. 2 (1975) ("[W]hile the Fifth

Amendment contains no equal protection clause, it does forbid discrimination that is so unjustifiable as to be violative of due process. This Court's approach to Fifth Amendment equal protection claims has always been precisely the same as to equal protection claims under the Fourteenth Amendment."(citations and internal quotation marks omitted; alteration in original)). SESSIONS v. MORALES-SANTANA 582 U. S. ____ (2017);

Give me a jury [because] "this is the [perfect] environment where "Keith Dougherty will set the world record for *Pro se* litigation" and get A $1 Billion Dollar Judgment see FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016); $500,000,000.

You can't make this up!

Mount Olivet: Mount of Christ's Return

April 3rd, 1969 @ 12:00 PM
Acts 1:11

Which also said, Ye men of Galilee, why stand ye gazing up into heaven? this same Jesus, which is taken up from you into heaven, shall so come in like manner as ye have seen him go into heaven.

I read from the prophet Zechariah, chapter 14, the last chapter

And His feet shall stand in that day upon the Mount of Olives, which is before Jerusalem on the east . . . and the Lord our God shall come, and all His saints with Him.

And it shall come to pass, that at even time, it shall be light. . . .

And the Lord shall be King over all the earth.

[the 3rd Cir "will already be gone".... (because of "Mt Olivet"?)];

Fools Rush in The Movie "the signs are all around us";

IN reality "[your] world is heading for [a] type of Famine that allowed Joseph to sell the Jews into Slavery in Egypt"... "we will take your

freedom in exchange for food" (here… we will take all of your Capitalist Property)! As Socialism always become "communism" and always results in CCCP "type collapse"…

41. The Subversive Faction [here] "has bribed and conspired with Chief Conner et al" [even if only "social respect" to "avoid being disbarred"] to say "all LLC's are Corporations" [as a legal impossibility] and what then flows from this (declaration) "is a denial of the petition clause itself" "unless an ABA Member is "earning Billable Hours"" (otherwise [all petitions] will be "restrained"):

42. They [the ABA Faction] have sought to Amend the Constitution to say "the prime directive is to ensure an orderly market place for all attorneys at law" (by "establishing a legal nobility") to then "seize the necessary property" to "fund the pensions"; [where Agency Interpretations "resulting in seizure"] (still require Just Compensation) as the United States Supreme Court [decreed] "official seizures by regulation" are violative of HORNE v. DEPARTMENT OF AGRICULTURE 576 U. S. ____ (2015) "even when the Federal Statue Allows for "an orderly market place"" (as its "goal" [not subject to Judicial Review]);

43. Chief Justice Marshal "realized he was facing a extinction [or perpetual irrelevance] event"… in Marbury v. Madison this is [just] such a "moment in [your] history":

44. Take a page out of Post v. St. Paul Travelers Ins. Co. 691 F.3d 500 (3rd Cir 2012); Belleville Catering Co. v. Champaign Market Place, No. 02-3975 (7th Cir. 12/1/2003); Birth Center v. St. Paul Companies, Inc. 787 A.2d 376 (PA 2001); and Hedlund Mfg. Co., Inc. v. Weiser, Stapler & Spivak 539 A.2d 357 (1988) "combine the policies and offer $200,000,000 so as to be able to "seal and [then] expunge the record"":

Along the lines of Leer Electric v. Department of L&I;

45. Keith Dougherty "et al" demand "declaratory judgment as to "person" as protected "under 28 USC § 1654" [as one of the Unique "necessary an proper Federal Statues" protecting [any] Constitutional Values (such As RFRA and 28 USC § 1738) [declaratory judgment (requiring)] a referring to 1 USC § 1 as required under Burwell v. Hobby Lobby [for all Federal

Statues] "to compel the correction and completion [BWO preliminary injunction] against the criminal delay" in YCCP, DCCP, and CCCP;

46. The State under § 7540 "has [continuously] violated the 14th Amendment" (repeatedly) to prevent Keith Dougherty et al's Commerce "so they can extort bribes" for L&I's Union Employees; along with Department of Revenue "fraudulently charging" Corporate Taxes "where none are owed" [an intentional "infliction of emotional duress"]:

47. Bellis v. US provides "sole proprietors" [or "sole practitioners" whenever a "License is Required"] can as here "quash [even] an IRS Subpoena" or "provide declaratory and injunction Relief for the PA Corporate Franchise Tax "criminals""; "from demanding production of RCT 101" to prove "no taxes are owed"" as under Boyd v. US (1886) (whose "rule was re-affirmed in Florida v. Jardines (2013)");

48. Socialism "cannot co-exist with the "American Bill of Rights"" [to the dismay of "snow flakes everywhere"] so the Bankrupt States [like] "Puerto Rico, Illinois, California, Pennsylvania, New Jersey, & Connecticut "must re-define "person" to allow [their unlawful] "seizure of property" (to "invalidate the 4th Amendment" as a "Heller" [right of the people]) [to fund their "criminal conduct"] as another violation of the "[a] right of the people" as a Manuel v. Joliet "seizure" [under Gallo v. Philadelphia "PRECEDENT";

49. During the Pendency of this "never ending Conspiracy" the Supreme Court "provided mandatory guidance" as to how the Constriction must be "interpreted to ensure" equal protection under the Law;

Standard of Review

> **1. Operative Clause.**
> **a. "Right of the People."** The first salient feature of the operative clause is that it codifies a "right of the people." The unamended Constitution and the Bill of Rights use the phrase "right of the people" two other times, in the First Amendment's Assembly-and-Petition Clause and in the Fourth Amendment's Search-and-Seizure Clause. The Ninth Amendment uses very similar terminology ("The enumeration in the Constitution, of certain rights, shall

not be construed to deny or disparage others retained by the people"). All three of these instances unambiguously refer to individual rights, not "collective" rights, or rights that may be exercised only through participation in some corporate body.5 id. p. 5;

In interpreting this text, we are guided by the principle that "[t]he Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning." United States v. Sprague, 282 U. S. 716, 731 (1931); see also Gibbons v. Ogden, 9 Wheat. 1, 188 (1824). Normal meaning may of course include an idiomatic meaning, but it excludes secret or technical meanings that would not have been known to ordinary citizens in the founding generation. Id. p. 3;

DISTRICT OF COLUMBIA v. HELLER 554 U. S. ____ (2008);

[this decision not only protect "guns" it protects all rights established in the "constitution"]; The Gradation is "rights established by the unamended constitution"... "rights contained within the American Bill of Rights"... "rights established by Federal Statutes" enforced by the "Supremacy Clause"... see the Federal Arbitration Act "allowing compelled arbitration by mere POA"; KINDRED NURSING CENTERS L. P. v. CLARK 581 U. S. ____ (2017) "finding" Article I Sec 10 "prohibits Maryland and Pennsylvania" FROM "conspiring" to say "assignment or POA" to Keith Dougherty as President Secretary of CUC of MD Inc. "cannot compel arbitration"... because "all of the Attorneys are too stupid to understand "contract law"; "aka the Contracts Clause";

Article I

Section 10.

No state shall [where "shall" even for ["Court Clerks"] is mandatory]... pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

See § 1983 "outlawing even custom or usage";

Where the "criminal chiefs" have said "we authorize an attainder of Keith Dougherty... so as to "void his contracts"... to protect the "legal nobility""... aka ABA Membership? Three Strikes over a period of 10 years; 22+ Times in a row... remarkable "consistency" [where Chief McKee said "the conspiracy is highly improbable"];

28 U.S. Code § 1367 - Supplemental jurisdiction

J.C. Nos. 03-13-90055, 03-13-90056,03-13-90057, 03-13-90058, 03-13-90059,03-13-90067,03-13-90068,03-13-90071,03-13-90072

... is frivolous or lacks sufficient evidence to raise an inference of misconduct. 28 U.S.C. §§ 352(b)(l)(A)(i)-(iii).

Complainant is a small business owner. He is also a frequent and prolific prose litigant who has been involved in civil cases before Subject Judges I through IV and in appeals before Subject Judges V through VII over the course of the past several years ..•.
Id. p. 1

Id. p. 12; ["we are still waiting" (November (2013))];

... I. find nothing to support Complainant's vague and improbable allegations concerning the existence of a conspiracy. Accordingly, Complainant's claim of intentional delay is dismissed as unsupported by evidence that would raise an inference that misconduct has occurred. 28 U.S.C. § 352(b)(l)(A)(iii); Rule ll(c)(l)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.
Id. p. 7

Keith Dougherty v. Chief McKee 15-CV-582 (DC DC) p. 13; see now 16-9425 Supreme Court;

[there are "none so blind as those who have already been bribed"]

50. The "progressive and subversive circuits have attempted to make the Supreme Court [merely] the court of errors" by saying "they have not provided guidance"; (even when reaching the proper conclusion) seemingly to "live to fight another day";

> ...On top of that, the Supreme Court has offered little guidance.... P. 6; as [a] "simple lie"....
>
> [read "a right of the people"; ..."shall not be infringed" (as complete guidance)] "this includes assembly" to "call one's company a sole proprietorship" [for Federal Income Tax Purposes] and or to "petition for redress" for "declaratory and injunctive relief as a "capitalist owner"" *pro se*]] "shall not be infringed"... as "declaratory judgment guidance" (even if only to save additional "accounting fees"):
>
> BRIAN WRENN, ET AL., APPELLANTS v. DISTRICT OF COLUMBIA, ET AL., APPELLEES No. 16-7025 (DC Cir 7/25/2017)

51. If it is a "right" [especially under 28 USC§ 2072 (that can only be "defined and enforced by the one and only Article III Court")] you [as Article I Sec 8 "inferior tribunal(s)"] must interpret "person" to protect "all persons" using Rule 21 "as AND WHEN necessary"; as the Federal and State Courts have "proven incapable of using their "own understanding of any Statutory Term"" whether it be Citizen or Person [as] "already defined" [statutorily] in 1 USC§ 1 (unless the "context indicates otherwise") "you have no [circuit] discretion": Schlagenhauf v. Holder, 379 U.S. 104 (1964) Federal Courts "cannot refuse jurisdiction" when Congress "provided same" (as "applied" through the "Rules Enabling Act"" [you have "no discretion"]);

> 1 U.S. Code § 1 - Words denoting number, gender, and so forth
>
> Thus, the course we take today does not so much disregard the policy of accommodating our diversity jurisdiction to the changing realities of commercial organization, as it honors the more important policy of leaving that to the people's elected representatives. Such accommodation is not only performed more legitimately by Congress than by courts, but it is performed more intelligently by legislation than by interpretation of the statutory word "citizen." The 50 States

> have created, and will continue to create, a wide assortment of artificial entities possessing different powers and characteristics, and composed of various classes of members with varying degrees of interest and control. Which of them is entitled to be considered a "citizen" for diversity purposes, and which of their members' citizenship is to be consulted, are questions more readily resolved by legislative prescription than by legal reasoning, and questions whose complexity is particularly unwelcome at the threshold stage of determining whether a court has jurisdiction. We have long since decided that, having established special treatment for corporations, we will leave the rest to Congress; we adhere to that decision. Id. p. 197;
>
> Carden v. Arkoma Associates 494 U.S. 185 (1990);

Turning then as "you are required to do as any "inferior Tribunal" Who may not "void the petition clause" [itself (even by Remand)] merely to control outcomes;

52. IN an Identical situation "show me your papers" [to collect tariffs (before taxes were "lawful under the constitution itself")] the Supreme Court adopted "in its entirety" Lord Camden's Treatise on Trespass "in the application of the 4th Amendment"; imposed here through the 14th Amendment "to the Corporate Net Income Tax" and Walacavage as mere Superior Court Ruling [State Mid-Level Appeals Court no Different than "Water Splash"] Texas "court of appeals" (there is no "harmless error exception" for State Default "fuck-ups")];

> The justification is submitted to the judges, who are to look into the books, and see if such a justification can be maintained by the text of the statute law [not by "any instruction booklet"], or by the principles of the common law. If no such excuse can be found or produced, the silence of the books is an authority, against the defendant, and the plaintiff must have judgment [even if "pension [funding] theft is rampant"]. According to this reasoning, it is now incumbent upon the defendants to show the law by which this seizure is warranted. If that cannot be done, it is a trespass." Entick v. Carrington and Three Other King's Messengers, reported at length in 19 Howell's State Trials 1029. The action was trespass for interfering the plaintiff's dwelling house in November, 1762, 1765 Id. p. 627 Boyd v. US 116 U.S. 616 (1886);

53. Preliminary Injunction "for delay in commerce now approaching 10 years" is proved "even for vexatious people" in 3rd Cir precedent where Justice Alito was then Judge Alito and part of the panel; Abu Jamal v. Price 154 F.3d 128 (3rd Cir 1998);

54. The State Statute Clause [as opposed to "instruction book" interpretation] in question [additionally] is as referenced in;

> § 153.1. Taxpayers.....See section 7401(1) of the TRC (72 P. S. § 7401(1)).
>
> (iii) A business trust, limited liability company or other entity which for Federal income tax purposes is classified as a corporation
>
> [there is "no authority" for Federal or State Courts "to interfere [with "owner assembly rights"" (mandating LLC's Are Actually "corporations")] as with IRS Regulations" so as to Tax LLC's as "corporation" (because the "politicians [already] stole the pension funding" (with "immunity"))]

55. The Statute "actually says "you must refer to IRS W9"" because that is how Federal Income Tax Purposes are established "with failure to use IRS Form 8832 and or IRS Form 2553 "makes Corporate Treatment of any LLC "impossible"" [and it is not subject to "judicial review"];

56. We will Stipulate Pennsylvania is in a [financial] "death spiral" and will never be able to "pay its Pension Obligations as compelled under ERISA and the Supremacy Clause" that is not "the owners' problem(s)" ultimately PA "will look like Detroit" (by your own hands);

There is a solution "clearly you are too stupid to even discuss the issue":

Shocks the Conscience

57. In each "Circuit" when the Federal Courts "refuse to enforce the constitution you [already] have anarchy":

"The great end for which men entered into society was to secure their property. That right is preserved sacred and incommunicable in all instances where it has not been taken away or abridged by some public law for the good of the whole.... Entick v. Carrington and Three Other King's Messengers, reported at length in 19 Howell's State Trials 1029. The action was trespass for interfering the plaintiff's dwelling house in November, 1762, ..." 1765;

FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016) *in pari materia* LIGHTFOOT v. CENDANT MORTGAGE CORP. 580 U. S. ____ (2017) clarifies "you as any corrupt enclave" do not have choice of "venue"; Rather "you are required to provide declaratory Judgment" [if there is Jurisdiction] as to the Status of Clerks "animal, vegetable, or mineral," [employees of [a Federal] "Agency"] and or [employees of any "Inferior Tribunal"] when Keith Dougherty says "you have forced me to hire an attorney for equal treatment" and there is always "Article III Standing" to say "your Simbraw Position [and its state progeny] is void":

9 JUSTICE KENNEDY: But there's Article III
10 standing for declaratory relief all the time. You say
11 this course of action is being compelled on me. I want
12 a declaratory suit that says that it's void.
US v. Texas p. 12 [oral argument]; US v. Texas 579 U. S. ____ (2016) "affirmed by an equally divided court" per curiam;

Syllabus;

These cases, however, fit comfortably within the established exception to mootness for disputes capable of repetition, yet evading review. That exception applies where "(1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration; and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again," Spencer v. Kemna, 523 U. S. 1, 17. Both circumstances are present here. P. 2; FEDERAL ELECTION COMM'N v. WISCONSIN RIGHT TO LIFE, INC. 551 U. S. ____ (2007);

58. In Israel "you can join a Kibbutz" in Iran "you can be governed by Sharia Law" (as a derivation of [republican] Democracy); in the United

States of America "you are Governed by the Constitution"... (employing a "compound constitutional Republic to "restrain Faction"") that merely refined the "Common Law of England" as enforced by the Magna Carta of 1215: This is as the Case of the 5 Knights and Charles the 1st of 1627 "Keith Dougherty et al Refuse your interpretation": You cannot call a "seizure" [of money] a "tax" to protect your "own interpretation" as in ACA (2010);

59. Charles the 1st as an "incompetent King" First disbanded Parliament (by his Sovereign Prerogative) "who were the only lawful authority for [new] taxation" under Magna Carta;

60. Insisting on [continued] Funding for [his] War [he] then in his "sovereign" [status] forced the Land owners to pay taxes "as loans"... (just as when Al Gore "taxed the cell phone [plans] and prohibited the Carriers from "identifying the assessment as a tax" [calling it a "fee" (instead) "a Rose by Any other name"?] (to provide internet to the masses (without expense)) wasn't he/they clever? In 1627 (5) Knights refused; Charles had them arrested and [then he] denied their Petition of Habeas Corpus "on his own prerogative"; For Clarity "11- CV-1295/10-CV-1071 "is/are a seizure" by Federal Conspiracy that has "been attacked as a Habeas Corpus" no different than ; TRUMP v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT Per Curiam 582 U. S. ____ (2017); Where the Progressive Circuit has "attempted to [interpret] the establishment clause" as superior to Article II "setting up a constitutional crisis";

61. Carlisle Tire and Wheel "absconded" due to the "coming apocalypse" required to/for "funding the Local, County and State [Government Employee pension] where the "politicians have already absconded with the funding""... it has to come from "some where" according to ERISA...

62. As in the Category of "you can't make this up" Fast Freddy Motz [as a "senior District Court Judge" (and a RINO appointee)] is [also] married to one of the Idiot Judges (as a Democrat Appointee (who En Banc 10-3, [4th Cir] "sustained the preliminary injunction Against President Trump's EO" [where [they] were then reversed 9-0]; this is a "cultural [faction] war": TRUMP v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT Per Curiam 582 U. S. ____ (2017);

63. There [in England, 1627] Judge Cook was required to inform the King "if you do not let the Knights out of Jail [and reinstate Magna Carta] they [as

the rest of the Nobles] will Cut your head off…" he… King Charles "relented";

64. The Failure of the Arab Spring [Hillarie's idea] (supported by even Justice Ginsburg) is merely a "reversion to the mean" [mathematically speaking]; Citizens of the Middle East are more used to the Feudal System as applied; (Kibbutz, or Sharia);

65. For 800 years "the English understood [and created] phrases" such as "beggars ride their steeds to ground" PA, IL, CA, NJ,… here the 3rd Cir "riding a mighty steed" as the [American] Bill of Rights; have said "we can amend the Constitution by "Committee Vote"" [where there is no such authority]; to "control [proper] outcomes by way of [our unique] IOP 10.6 and LAR 27.4" because "the people are uneducated" and can not be trusted;

66. CREW, ACLU et al "are [merely] a well regulated militia" [as registered non-profits] who use "the Federal Courts a Weapon": Not that there is anything wrong with that (consider the "alternative" as a "shooting war"), "unless you deny equal access to Keith Dougherty et al"… who merely seek to shove Lord Camden's Treatise on Trespass "down your collective [socialist [faction]] throats" (or execute all of you by a 2nd Amendment militia (as in the Case of the 5 Knights));

67. The First Amendment does not allow "snowflakes" [as Federal Judges] to establish safe spaces (as "sensitive places") [from "petition clause cases" for Judges (fearing Political backlash)] "under force of law"; see the Hobbs Act "where you all can be charged with conspiracy" for a "mere delay in commerce by threat of/or official acts";

> Moreover, the Amendment's text protects the right to "bear" as well as "keep" arms. For both reasons, it's more natural to view the Amendment's core as including a law-abiding citizen's right to carry common firearms for self-defense beyond the home (subject again to relevant "longstanding" regulations like bans on carrying "in sensitive places"). Id. at 626. Id. Pp. 10-11; BRIAN WRENN, ET AL., APPELLANTS v. DISTRICT OF COLUMBIA, ET AL., APPELLEES No. 16-7025 (DC Cir 7/25/2017);
>
> PA 18 § 505. Use of force in self-protection.
> (a) Use of force justifiable for protection of the person.—

[[where person] is (and cannot be) "liberally defined" in any attempt at "fraud" such as Jared Dupes (collecting taxes)];

PA 73 P. S. § 201-1. Short title This act shall be known and may be cited as the "Unfair Trade Practices and Consumer Protection Law." [fbo ABA Criminals (and [all] Commonwealth Agency employees)];

(2) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entities.

PA 73 P.S. § 201-2 (1) "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription or other tangible document or recording, wherever situate.

(xviii) Using a contract, form or any other document related to a consumer transaction which contains a confessed judgment clause that waives the consumer's right to assert a legal defense to an action; ABA Members as "criminals" using "confessed judgment(s)" [in "all legal settings"] by "incompetent entity analysis" (voiding "declaratory judgment");

§ 153.1. Taxpayers.....See section 401(1) of the TRC (72 P. S. § 7401(1)).

(iii) A business trust, limited liability company or other entity which for Federal income tax purposes is classified as a corporation

§ 7401. Definitions
Purdon's Pennsylvania Statutes and Consolidated Statutes
Title 72 P.S. Taxation and Fiscal Affairs
Effective: January 1, 2015

PA 18 § 505. Use of force in self-protection.
(a) Use of force justifiable for protection of the person.—

(3) Except as otherwise required by this subsection, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

A "declaratory judgment petition is required in self-defense" from "local custom" 42 USC § 1985 (conspiracy to void "self-representation" as a "constitutional right");

"to say… any person cannot use "declaratory judgment" as a defense "in a Fraud Violation"… PA 73 P.S. § 201-2 (1) (xviii) Using a contract, form or any other document related to a consumer transaction which contains a confessed judgment clause that waives the consumer's right to assert a legal defense to an action; since [all] 1040 Schedule C "filers" are not required to "file RCT 101" *ipso facto* none of them can be "forced to file" (without violating the 14th Amendment);

> Massachusetts did not invalidate all these longstanding constructions….
>
> That case did not hold that EPA must always regulate greenhouse gases as an "air pollutant" everywhere that term appears in the statute, but only that EPA must "ground its reasons for action or inaction in the statute," 549 U. S., at 535 (emphasis added), rather than on "reasoning divorced from the statutory text," id., id. p. 13; UTILITY AIR REGULATORY GROUP v. EPA 573 U. S. ____ (2014);

There is no such entity as "Limited Liability Corporation" repeatedly misused in Opinions by Judge Caputo (now "Mooted" for other than diversity jurisdiction purposes, as all entities are [now] protected by 1 USC § 1(which all courts "must refer to")) Unless the context [in "all Federal Statutes"] indicates otherwise;

The Criminal Caldwell has tried to say "that [1 USC§ 1] only Applies to RFRA" but Rowland Dicta [defining person in § 1915] "definitely applies to 28 USC § 1654" (as well)??? Simbraw "expanded by mere [local] custom";

68. When as in the modern Society you say "the Bill of Rights Identifies" 10 important issues "where [only] the Government [or "officers of the court" (as "a governmental faction")] can act to protect those who cannot protect themselves" you have "a subversion of "the United States Constitution"" [which was] based on "rugged individualism" (in 1789);

69. The "right way to think" (progressives say) as identified by the ACLU, Moveon.Org., (way) aka "The Saul Alinsky Acolytes" (faction) [is protected by the Free Assembly Clause] along with [the Free Speech Clause]... as "a right of the people"; In other words "you are free to be wrong" so long as you do not force others to pay for it"";

70. The Brilliance of the Constitution of 1789 is [that] "it provided for (enforcement and) amendment" through the 14th Amendment to "change the original We the People" [from White Men With Property] to what it is today; If that "leads to financial ruin" we the people are "responsible":

71. The Problem here is [as has] happened throughout history "you are running out of "other people's money" and now are trying to say "White Men With Property" must pay [double] as "reparations for past SINS"; Lest we shall surely die;

72. The State "Agencies" look on with envy at the Federal Administrative Procedures Act [prohibiting Judicial Review of "regulations"] however "due to the [political] theft" perpetrated by "all bureaucrats" (as in "Johnson's Great Society") squandering tax payer resources (the results [of which] are inevitable); If the Social Security Dollars were stolen to "do productive things society would be "Great""... the Vietnam War... "not so much":

73. The Magna Carta 1215 "was a quantum leap"... and it spawned the "English Bill of Rights" [only] after the "Glorious Revolution"... 1688... which resulted in the American Bill of Rights 1791;

74. The "difference" succinctly is "the English Parliament" as merely [(Democratic) majority Rule] can "change the common law" whereas [in the American Bill of Rights] "congress can make no law" in proximity to "the Written Constitution" (of the United States of America) Marbury v. Madison is a "fragile tradition"; The Substantive Due Process Case law "outlines the areas that are Off limits" [to "all Government"] and identifies

"where Carey v. Piphus "applies""; Here the "criminals of the Middle District of PA "have created a "faction" [aka] ABA Members "to allow for ever expanding powers for Government" so long as an ABA Member is able to "make billable hours";

75. Article I Sec 9 "of the unamended constitution" predicted as in the past "When English Royalty" [had bribed land owners with their own armies] to support "the Sovereign" [the disease] was "actually the Title of Nobility" (which comes in many forms):

> Sec 9
>
> No title of nobility shall be granted by the United States (you cannot say "business owners who are ABA Members can appear pro se, but "all other owners cannot appear prose""): and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.
>
> Nobility is defined "not only by the British Peerage";
>
> When you say [as Hobbs Act Conspirators] "our State Agencies" can interpret words "however they may deem necessary to fund the Government" [that they support (to replace the pension funds already spent on "failed governmental programs")] "you have committed Constitutional Treason" [against] Long Standing Supreme Court Precedent as articulated in Ex Parte Young; This can only exist "where you have created a state within a STATE" as prohibited in
>
> Article IV;
>
> Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.
>
> Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the

Executive (when the Legislature cannot be convened) against domestic Violence.

The "criminals of the Middle District of PA" have simply said "there is no Declaratory Judgment" [as part of our "Adversarial system"] and "the important words can only be defined by Attorneys Trained under the Star Chamber Process" Lest "our way of doing things shall surely die": The Federal Court "must provide a decision on the Merits as to the "person" under 28 USC § 1654 "in front of a Common Law Jury" because of the 7th Amendment (not to defeat it); Lest we be forced to "order the death of all of the Judges" by a "Well-Regulated Militia":

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

> [the Security of a free state is the goal (not the right of a "conceal carry permit") where "you cannot shoot criminals"];

Constitution of United States of America 1789 (rev. 1992)

The "comma" after the preamble is an "accusative absolute";

And like any "mathematical equation" you must add or subtract from both sides of the equation to [equally] to "reach to correct result":

> If "the state" will "not abide by the Constitution" [and "the person has been seized"] you as an agrived "individual" must "petition for redress" to the State Agency... (exhaustion); if "the State Agency" has acted in ways "that violates Supreme Court Precedent" you can and Must "petition the Federal Court" for "preliminary injunction" as part of a Habeas Petition"" citing "the exhaustion requirement has been met"... if then the "lowly District Court has conspired with the State" you must appeal to the Circuit Court" (mandamus) if the Circuit Court "will not abide by Supreme Court Precedent" you must

seek Writ of Certiorari to the Supreme Court if the Supreme Court Clerks deny "cert" under the 1973 "subversion" of their Powers "a militia can execute the judges" to then allow the "President of the United States" to appoint their replacements "who must undergo" the "Senate Advise and Consent" whereupon the "agrived [owner] can petition yet again" for a "decision on the Merits":

The Nevada Jury Award of $500,000,000 Awarded by a Jury "would cause all of the Judicial careers" [to die] if allowed to stand "so these criminal jurists are "fighting to their deaths"" here (to void the 7th Amendment);

Federalist No. 10 continues the discussion of the question broached in Hamilton's Federalist No. 9. Hamilton there addressed the destructive role of a faction in breaking apart the republic. The question Madison answers, then, is how to eliminate the negative effects of faction. Madison defines a faction as "a number of citizens, whether amounting to a minority or majority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community".[14] He identifies the most serious source of faction to be the diversity of opinion in political life which leads to dispute over fundamental issues such as what regime or religion should be preferred.

The "end is near" when reviewing CREW v. Donald J Trump; and now…

Doug Stanglin and Gabe Cavallaro, USA TODAY Published 10:16 a.m. ET Aug. 12, 2017 | Updated 12:13 a.m. ET Aug. 13, 2017;

1 dead, 19 injured as car hits crowd after a 'Unite the Right' rally in Charlottesville; driver in custody

This is easily "proved before a 7th Amendment Jury" by saying a "Militia Led by Professor Tribe" have "sued the current president" saying "the emollients clause" Article I Sec 9; is

> violated when any "owner [of a Hotel] receives" Publicly Published Rates for his "hotel rooms" [but Congress Can engage in "insider trading" that would cause the owner to go to jail and "be disgorged" (see Martha Stewart)] by "changing "the ordinary meaning of words":
>
> Sec 9 ...no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument,... [where "emollient means whatever necessary"] to remove Donald J Trump from office "but that is "not a frivolous" Use of Process";
>
> Congress can say "your Social Security [& ERISA Pension] Dollars are in a (Federal/state) "lock box" and (as IOU's) [still] use those Dollars "for Bribes to be re-elected" [as "governmental accounting"] (and your only solution is to "vote them out of office" (no one is "disgorged" and no one goes to jail)):
>
> However "professor tribe can use a "well-Regulated Militia" as a "non-profit" to bring Suit in Federal Court [against Donald J. Trump] "as a weapon" without "fear of Being Disbarred" (see Cristopher Conner Disbarring Attorney Bailey (for Violation of the [local] Star Chamber Guidelines)) because the "deep-State" hates the Current President"" [and or his] Treatment of Muslims... sound Familiar???
>
> If it [does not] sound familiar "you are commanded" to Read Federalist 10;

In interpreting this text, we are guided by the principle that "[t]he Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning." United States v. Sprague, 282 U. S. 716, 731 (1931); see also Gibbons v. Ogden, 9 Wheat. 1, 188 (1824). Normal meaning may of course include an idiomatic meaning, but it excludes secret or technical meanings that would not have been known to ordinary citizens in the founding generation. Id. p. 3; DISTRICT OF COLUMBIA v. HELLER 554 U. S. ____ (2008);

76. All Well Regulated Militias "use propaganda" (as is their Free Speech Rights):

> The Constitution was remarkable, but deeply flawed. For one thing, it did not include a specific declaration - or bill - of individual rights. It specified what the government could do but did not say what it could not do. For another, it did not apply to everyone. The "consent of the governed" meant propertied white men only.
>
> The absence of a "bill of rights" turned out to be an obstacle to the Constitution's ratification by the states. It would take four more years of intense debate before the new government's form would be resolved. The Federalists opposed including a bill of rights on the ground that it was unnecessary. The Anti-Federalists, who were afraid of a strong centralized government, refused to support the Constitution without one. https://www.aclu.org/other/bill-rights-brief-history

The Middle District of PA "is a legal cesspool" allowing [a] deadly "disease to spread" (with good intention (they say)):

77. The "disease" is "the progressive circuits" [truly] believing "Government has a right" to "collect Taxes" where "Government has no rights" [our Bill of Rights… to "say what it could not do"… (at all under "our bill of rights" see "they shall make no law") [and taxes are by the "consent of the governed" (Article I Sec 8; "but all duties, imposts and excises shall be uniform throughout the United States;"]; and as if [in] "the theatre of the absurd" Simbraw v. US says "even though Artificial Entities"; as those [who] File IRS 1120. 1120S or Form 990 "as Non-Profits" or Municipal Government"" [provides authority] for "Government" as a "non-profit Corporation" to seize the Right of any "for profit corporations seeking to represent itself"… you "morons of the 3rd Cir have already been rejected "on this/that exact argument""… without [a need for] "reaching the constitutional question"… As UNDER Faretta v. California [applying] the "6th Amendment" ["self-representation" as a "constitutional value p. 852 (a right to "make a fool out of yourself")] where 28 USC 1654 "is [also] imposed through the Supremacy Clause" (in all other State Actions) due to its existence as a "substantive right";

In holding that Conestoga, as a "secular, for-profit corporation," lacks RFRA protection, the Third Circuit wrote as follows:

> "General business corporations do not, separate and apart from the actions or belief systems of their individual owners or employees, exercise religion. They do not pray, worship, observe sacraments or take other religiously-motivated actions separate and apart from the intention and direction of their individual actors." 724 F. 3d, at 385 (emphasis added).

All of this is true—but quite beside the point. Corporations, "separate and apart from" the human beings who own, run, and are employed by them, cannot do anything at all. Id. PP. 18-19 BURWELL v. HOBBY LOBBY STORES, INC. 573 U. S. ____ (2014);

78. Imagine "churches are [as] non-profit corporations" that can "file for bankruptcy" so are Cities, Counties and Municipalities... RFRA is a "Federal Statute" referencing a "constitutional value" so too are 28 USC 1654 along with 28 USC 1738;

> As an Aside "be wary of [the] Puerto Rico(s)" [as already bankrupt and unable to "file"] where the RINO's [in Congress] seek to establish the required mechanism "to prevent the Collapse of [all of] the States who have already "absconded with [your] Pension Funds"" of State County and Municipal Pension Employees "Subject to ERISA" with "no Federal Funding Backing" [they should have "intervened long ago"] so Federal Law will force the Collapse of "your own Real Estate Values" [you will become a "tenant" (on your own real estate) because of "political theft" (undertaking "with no recourse")];

79. It is tragic to realize a Pop Culture TV Program [like] Smallville S 10 E 7 "Vigilante Ambush"; does a better job of "explaining these truths" than the Chief Judge of the District Court (MD PA); as [indicating] Bureaucrats (Judges Interpreting the Bar Cod of PA "fbo non profits" (aka "well regulated [paper] militias")) [when] "protecting an orderly market place for ABA Members" [by [and through] "official acts"] "are not accountable to anyone"" Forrester v. White, 484 U.S. 219, 228-229 (1988) [no "petition clause [is] available for declaratory judgment (and "injunctive relief")";???

Where North Hopewell Township "as a non-profit municipal coronation" Just Like Harrisburg PA "manage their affairs in such a way as needing to file Bankruptcy under Chapter 9"" and "denying all rights of the people"! "even when they are [both] corporations" For Federal Income Tax Purposes?

> Chicago [the City] "can sue" the Trump [as the one and only "executive"] under Article II; "but Illinois State Law Prohibits their "filing for bankruptcy"" [and Illinois "has the worst credit rating in the country (where do you think the [necessary] Pension Funds will come from) where "city employees do not pay into Social Security"???] and they are "already financially dead"; The consistent and recurring theme is to hear a "corrupt bureaucrat say "we need a Pearl Harbor Event"" to convince the people to "surrender their property rights" [lest] "our way of doing things shall surely die"]:
>
> Rahm Emanuel https://youtu.be/_mzcbXi1Tkk Feckless as "Mayor of Chicago" where he has made the situation worse (while winning "re-election");

80. As in 10-CV-1071 (MD PA) William Caldwell was [fully] aware that Jonathan Snyder "was in violation of IRS Code" as [was] not reporting "the free office space located in the NHT Municipal Building" where the Township "paid the salary for the [his] Secretary" (as Bartered Income) to a 3rd Party Administrator whose Son was "the Township Engineer";

> An organization may be exempt from filing Form 990 if-
>
> • it is a state or municipal institution whose in- come is excluded from gross income under IRC section 115(a); or
> • its gross receipts are not normally more than $25,000 (based on a three-year average that includes the latest year completed). Gross receipts are the total of lines 12, 6b, 8b, 9b, and 10b of Pmt. I, Form 990.
>
> DEFINITION of 'Chapter 9' A bankruptcy proceeding that provides financially distressed municipalities with protection from creditors by creating a plan between the municipality and its creditors to resolve the outstanding debt. Municipalities include cities, counties, townships and school districts. "no State protection" [States operate

[out of necessity] by "pure theft"]; Denying the 1st & 4th Amendment [for business owners]; Leading to: "history repeating itself":

> Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.... Federalist 10;
>
> Violence already happening; ET Aug. 13, 2017;
>
> 1 dead, 19 injured as car hits crowd after a 'Unite the Right' rally in Charlottesville; driver in custody...

See instead: [the] Nevada Supreme Court (affirming a "common law jury" no Different than [a 6th Amendment Jury] California v. OJ Simpson);

> It expressed concerns about the fact that [Maryland and Pennsylvania] 's agencies "'operat[e] outside'" the systems of "'legislative control, administrative oversight, and public accountability'" that Nevada applies to its own agencies. Ibid. (quoting Faulkner v. University of Tenn., 627 So. 2d 362 (Ala. 1992)). Pp. 6-7 FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016);

Our "common law" [as] reaffirmed as recently as 2013;

> Florida v. Jardines, 569 U.S. ___ (2013), is a decision by the United States Supreme Court which held that police use of a trained detection dog to sniff for narcotics on the front porch of a private home is a "search" within the meaning of the Fourth Amendment to the United States Constitution, ...Wikipedia citing "our rule" at page 5-6 "you cannot put your foot on my contracts":
>
> Soldal v. Cook County 506 U.S. 56 (1992) says "any meaningful interference with possessory interest is a "seizure"" even if [in] Civil Settings (tax "collectors" saying "show me your papers" Boyd v. US);

> Stated a different way; Jared Dupes has "provided a fraud upon the taxpayer" [with impunity (he thinks "no agency appeal process")] under PA's interpretation of PA 7540 "Declaratory Judgment Act" no Different than the Congress "During the Civil War" attempting to "prevent a fraud upon the Revenue needed [whose revenue was need to fund the war] to Free the Slaves" (potato…PuTaato…);

As every American statesmen, during our revolutionary and formative period as a nation, was undoubtedly familiar with this monument of English freedom, and considered it as the true and ultimate expression of constitutional law, it may be confidently asserted that its propositions were in the minds of those who framed the Fourth Amendment to the Constitution, and were considered as sufficiently explanatory of what was meant by unreasonable searches and seizures. We think, therefore, it is pertinent to the present subject of discussion to quote somewhat largely from this celebrated judgment. Id. pp. 626-627; Boyd v. US 116 U.S. 616 (1886);

> "The great end for which men entered into society was to secure their property [aka money (*because your real estate will become "worthless" [when they tax you out of it] where/when you can live cheaper "elsewhere")]. That right is preserved sacred and incommunicable in all instances where it has not been taken away or abridged by some public law for the good of the whole. The cases where this right of property is set aside by positive law are various. Distresses, executions, forfeitures, taxes, &c., are all of this description, wherein every man, by common consent, gives up that right for the sake of justice and the general good. By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my license, but he is liable to an action, though the damage be nothing, which is proved by every declaration in trespass where the defendant is called upon to answer for bruising the grass and even treading upon the soil….
>
> > Dupes "et al" say "we can just interpret your rights away "because of "our technical meaning" interpretations (as

> there is no 14th Amendment as applied for "taxes" only 4th and 5th Amendment protections against Federal Taxes???);

> The justification is submitted to the judges, who are to look into the books, and see if such a justification can be maintained by the text of the statute law, or by the principles of the common law. If no such excuse can be found or produced, the silence of the books is an authority, against the defendant, and the plaintiff must have judgment. According to this reasoning, it is now incumbent upon the defendants to show the law by which this seizure is warranted. If that cannot be done, it is a trespass." Entick v. Carrington and Three Other King's Messengers, reported at length in 19 Howell's State Trials 1029. The action was trespass for interfering the plaintiff's dwelling house in November, 1762, 1765 Id. p. 627 Boyd v. US 116 U.S. 616 (1886);

81. As articulated by Justice Alito 10/28/2014 National Constitution Center Phila. PA; "when (only) in the 3rd Cir" the Bill of Rights including any "petition clause" becomes unenforceable "they [the rights] become worse than useless"; see Also CCCP 14-529/ DCCP 2011-CV-4711-NT (pending due to the "definition of "person" 28 USC 1654);

82. The Tax "collector agencies" seem unaware of the Finding in Boyd v. US (1886); Chief Judge Conner [is a Bivens] "defendant" (as the Supervisor that "conspired" directly with McKee in 13-CV-857 (MD PA) "without any [personal] jurisdiction"; see WATER SPLASH, INC. v. MENON 581 U. S. ____ (2017) "because default is a procedural due process right of the plaintiff" the "corrupt Judiciary has no jurisdiction to waive it *sua sponte*" and the 3rd Cir has "no jurisdiction to institute IOP 10.6/LAR 27.4" see Bellville Catering [7th Cir (Court of Appeals) "agog"] "even though you [the 3rd Cir] have ..."the Circuit has done so in the past" [and by [merely] local IOP to boot (providing a "new meaning to" Limited Jurisdiction"")???

> This passage—and there is more in the same vein—leaves us agog. Just where do... courts acquire authority to decide on the merits a case over which there is no federal jurisdiction? The proposition that the Seventh Circuit has done so in the past—a proposition unsupported by any citation—accuses the court of dereliction combined with

usurpation. "A court lacks discretion to consider the merits of a case over which it is without jurisdiction". Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 379 (1981) id. Pp. 4-5;

If the appellate court finds that the order from which a party seeks to appeal does not fall within the statute, its inquiry is over. [you cannot "affirm a Clerk's Refusal" to enter default];

The Statute here is "28 USC 2072(b)/ 28 USC 1654 "as properly articulated in TYSON FOODS, INC. v. BOUAPHAKEO 577 U. S. ____ (2016) p. 11; "there cannot be 2 standards": the District Court "lacks personal jurisdiction" until the "clerk enters default" (waived by "the incompetent ABA Members" you seek to protect):

II
B

"Petitioner voluntarily chose this attorney as his representative [even though they increased the liability]...Any other notion would be wholly inconsistent with our system of representative litigation,...Id., at 633-634, 82 S.Ct., at 1390 (quoting Smith v. Ayer, 101 U.S. 320, 326, 25 L.Ed. 955 (1880)). Pioneer Investment Services Company v. Brunswick Associates Limited Partnership 507 U.S. 380 (1993);

83. Long Standing Supreme Court Precedent "required when citing Jurisdiction"; Sebelius v. Auburn Regional 568 U. S. ____ (2013) Pp. 6-7;

Chief Conner "et al":

In order to render a supervisor personally liable, plaintiffs must show that he (1) participated in violating their rights, or (2) directed others to violate them, or (3) as the person in charge, had knowledge of and acquiesced in his subordinates' violations, or (4) tolerated past or ongoing misbehavior. See Baker v. Monroe Township, 50 F.3d 1186, 1190-91 (3d Cir. 1995) (citing Andrews v. City of Philadelphia, 895 F.2d 1469, 1478 (3d Cir. 1990); see 8522(b)(3) Waiver of 11th Amendment Immunity; Hobbs Act Conspiracy "to [fraudulently] preserve Simbraw";

Forrester v. White, 484 U.S. 219, 228-229 (1988);

> Declaratory and Injunctive Relief "demanded"; see also TRUMP v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT Per Curiam 582 U. S. ____ (2017); "authority [exists] to refine the definition of person" [by Rule 60 Amended 12/1/2015/Referencing Rule 6 Amended 12/1/2016 (you cannot hide your criminal conduct)] while Writ of Cert [is actually] "pending":

(a) Here [also] Directly on point "FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016)";

(b) Bureaucrats will commit fraud and perjury (as to related facts) "because they are protected by the Corrupt Judiciary":

> Respondent Hyatt claims that he moved from California to Nevada in1991, but petitioner Franchise Tax Board of California, a state agency, claims that he actually moved in 1992 and thus owes California millions in taxes, penalties, and interest. Hyatt filed suit in Nevada state court, which had jurisdiction over California under Nevada v. Hall, 440 U. S. 410, seeking damages for California's alleged abusive audit and investigation practices. After this Court affirmed the Nevada Supreme Court's ruling that Nevada courts, as a matter of comity, would immunize California to the same extent that Nevada law would immunize its own agencies and officials, see Franchise Tax Bd. of Cal. v. Hyatt, 538 U. S. 488, 499, the case went to trial, where Hyatt was awarded almost $500 million in damages and fees. [judgment reduced because Nevada does not have [a similar] PA 8522(b)(3)]; "manipulation of facts "is fraud" even if the Government [Claims "immunity"];
>
> But the court rejected California's conclusion. Instead, while setting aside much of the damages award, it nonetheless affirmed $1 million of the award (earmarked as compensation for fraud), and it remanded for a retrial on the question of damages for intentional infliction of emotional distress. Id. p. 3;
>
> It expressed concerns about the fact that California's [Maryland and Pennsylvania] agencies "'operat[e] outside'" the systems of "'legislative control, administrative oversight, and public accountability'" that Nevada applies to its own agencies. Ibid.

(quoting Faulkner v. University of Tenn., 627 So. 2d 362 (Ala. 1992)). Pp. 6-7

This "condition will get worse as the individual states collapse" [as unable to file [state] bankruptcy];

The "citizens of those states Illinois, California, PA, and NJ; will be in "debtors prison"". And be in a Detroit Styled "death spiral":

Here "the Corporate minion" [Jared Dupes] is quoted directly;

"Your statement has no legal significance and is not pertinent to nor does it supersede the filing requirements for single member Limited Liability Companies in Pennsylvania. Therefore, it will be disregarded."

Jared Dupes | TACS
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www.revenue.state.pa.us

"it is a fraudulent statement" [if the DOL Fiduciary Rule is controlling] to say "a Disregarded Entity" can be "taxed as a corporation for Federal Tax Purposes"; CFP®, EA ["deemed to have Scienter"] under Circular 230 "rules":

> As an Aside "any CFP® would be required under the Fiduciary Rule to advise "the State Employees"" will never be paid what they have been promised "look at Venezuela";
>
> Whereas "the Saul Alinsky Acolytes" would say "you are engaging in hate speech" (and only have a right to "shut up"):

IRS 1.25.1.2 (11-30-2016)

Authorities Relating to Practice

4.The statute and the body of regulations are the source of OPR's authority. Circular 230 seeks to ensure tax professionals possess the requisite character, reputation, qualifications, and competency to provide valuable service to clients in presenting their cases to the IRS. In short, Circular 230 consists of the "rules of engagement" for tax practice. The fundamental issue in all Circular 230 disciplinary cases is the tax professional's fitness to practice before the IRS.

Whereas "in the 3rd, 4th and 9th Circuits" Attorneys "are immune" when they "lie":

> Nevada Supreme Court…
>
> California law, it pointed out, provided state agencies with immunity from lawsuits based upon actions taken during the course of collecting taxes. Cal. Govt. Code Ann. §860.2 (West 1995) … but they would not immunize California where Nevada law permitted actions against Nevada agencies, say, for acts taken in bad faith or for intentional torts. App. To Pet. for Cert. in Franchise Tax Bd. of Cal. v. Hyatt, O. T. 2002, No. 42, p. 12. We reviewed that decision, and we affirmed. Franchise Tax Bd., supra, at 499. Pp. 2-3; FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016);
>
> Frederick Motz "with Conner/McKee Approval says" [all] an "attorney must do is say "they are confused" [the are "incompetent" under Rule 11???]; "there is no fact that can convince Motz, Keith Dougherty has "petition rights" to have his "questions directly and candidly resolved and on the merits""; [as a "*pro se* owner"] SHAPIRO v. MCMANUS 577 U. S. ____ (2015);
>
> The Clerk "must enter default is Superfluous"; WATER SPLASH, INC. v. MENON 581 U. S. ____ (2017);

Motz, Chasanow, Conner, McKee (as the 4 Horsemen (as "facilitators of the apocalypse"));

John 8:44King James Version (KJV)

44 Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because there is no truth in him. When he speaketh a lie, he speaketh of his own: for he is a liar, and the father of it.

When California "said" its Tax board has "absolute immunity" it created "their own death spiral" (absolute power corrupts absolutely);

In 1978 the Supreme Court said "Keith Dougherty has an absolute right to say "you must enter default" (Carey v. Piphus) under Rules 6/12 & 55(a) and Jordan "conspired with McKee" to say "all we need to do is say "Keith Dougherty is Vexatious"" [with the support of the "faction" aka "the active judges of the 3rd Cir" (violating 28 USC 46) : and therefore Keith Dougherty has no "due process rights" as articulated in Carey v. Piphus "lest Simbraw [and our Star Chamber outcomes] shall surely die":

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. Federalist 10; see "active judges in any Circuit" wishing to "dismiss any appeal sua sponte" to "reduce their work load"?

84. If "there is no administrative review process" [Dupes] it violates the 14th Amendment; see "he [Keith Dougherty pro se] is vexatious" 13-1040, 13-1904, 13-3772 (3rd Cir); as not "a legal argument" sufficient to meet the Due Process Clause Requirments; PA… agencies [or Inferior Court Employees] "'operat[e] outside'" the systems of "'legislative control, administrative oversight, and public accountability'" that … [compliant states]… applies to its [their] own agencies. Ibid. (quoting Faulkner v. University of Tenn., 627 So. 2d 362 (Ala. 1992))."

85. See "no mandamus panel of the 3rd Cir will Define "the Federal Rules as required"": "Caldwell, Chief Conner, Magistrate Blewit [*in pari materia*] Frederick Motz 13-CV-857 (MD PA) [where "Caitlyn Jenner can sue to use the Same Bathroom as his "granddaughter"", in North Carolina, however Keith Dougherty cannot sue a North Carolina Corporation [Carlisle Companies (Conglomerate owner of Carlisle Tire and Wheel Co.)] "who Absconded owing millions to Carlisle Small Business Owners" [resulting in the "negligent homicide of Sara Runk and Larry Runk II]; see "Rule 21

Abused"" to deny "jurisdiction" [provided by 55(a) [Motz "lacked personal jurisdiction"] as opposed to "reaching a decision on the merits" see now 16-9425 and see 3rd Cir Precedent (too confusing for Jones, Caldwell, Conner, Carlson and Blewit) ;

> February 11, 2016 2:25 PM
>
> Charlotte-based manufacturer Carlisle Cos. said Thursday that it is relocating its headquarters to Phoenix, effective in the second quarter of this year.
>
> Carlisle's relocation is expected to be completed by the end of 2016. Read more here http://www.charlotteobserver.com/news/business/article59799046.html#storylink=cpy

Accordingly, we hold that Pyrotecnico is a dispensable party to this action and we will exercise our Rule 21 authority to dismiss Pyrotecnico on appeal, thus restoring complete diversity in this case. Having cured the jurisdictional defect, we now proceed to the merits of the appeal. [592 F.3d 422]

Zambelli Fireworks Mfg. Co., Inc. v. Wood 592 F.3d 412 (3rd Cir 2010)

Magistrate Blewit [under direction of Chief Conner] said [Rule 21 means nothing as the Caption] (is "jurisdictional"); indicating "he could see how Carlisle Tire and Wheel Inc." as Company "registered In PA" [1987] (that became a "Wholy Owned Subsidiary of a DE Corporation (1995); to avoid "the PA Franchise Net Income Tax; "could cause them to be confused" as a reason to [have a magistrate] "usurp jurisdiction"; see 13-1904 "ignored by the Jordon Panel"?

Caldwell, Conner, Blewit and the Jordon panel said "Carlisle Tire and Wheel is [or could have been] confused" and that is good enough for them?

[absolute criminals]

> No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. Federalist 10;
>
> That "ship has sailed"!

86. The Middle District of PA is as [if] Bellville Catering "on Steroids" where "only ABA Members have an "absolute right to due process"" to ensure an Orderly Market Place; Contradicting HORNE v. DEPARTMENT OF AGRICULTURE 576 U. S. ____ (2015) (the Key here is "the LLC Act does not convey Citizenship" [Letson Rule] "even though the "fictitious name" Carlisle Tire and Wheel "Company" [does] (Carden v. Arkoma 494 U.S. 185 (1980)); Zambelli Fireworks Mfg. Co., Inc. v. Wood 592 F.3d 412 (3rd Cir 2010);

> This passage—and there is more in the same vein—leaves us agog. Just where do… courts acquire authority to decide on the merits a case over which there is no federal jurisdiction? page 4; Belleville Catering Co. v. Champaign Market Place, No. 02-3975 (7th Cir. 12/1/2003); see instead Frow v. Del La Vega 82 U.S. 552 (1872); and now WATER SPLASH, INC. v. MENON 581 U. S. ____ (2017);
>
> > ["confusion [in] and method of service waived" under Rule 12(h)(1) Insurance Corp of Ireland, Ltd v. Comp. Bauxites Guinee 456 U.S. 694, 704 (1982)]
> >
> > *2366 Eberhart, supra, at 16, 126 S.Ct. 403 (quoting Kontrick, supra, at 455, 124 S.Ct. 906), but it is no less "jurisdictional" when Congress prohibits federal courts from adjudicating an otherwise legitimate "class of cases" after a certain period has elapsed from final judgment. Bowles v. Russell; 127 S.Ct. 2360 (2007); see now "55(a) is "personal jurisdiction"" Sebelius v. Auburn Regional and "at any time" (if preserved);
>
> see [as an answer] Zambelli's Use of Rule 21… Revised in a long line of cases "culminating in Sebelius v. Auburn Regional" p. 6 [any "tribunal can be attacked [and] at any time"] 568 U. S. ____ (2013): and then;

> Footnote 1As this case involves federal (Rule 55(a)), not state, legislation, the applicable equality guarantee is not the Fourteenth Amendment's explicit Equal Protection Clause, it is the guarantee implicit in the Fifth Amendment's Due Process Clause. See Weinberger v. Wiesenfeld, 420 U. S. 636, 638, n. 2 (1975) ("[W]hile the Fifth Amendment contains no equal protection clause, it does forbid discrimination that is so unjustifiable as to be violative of due process. This Court's approach to Fifth Amendment equal protection claims has always been precisely the same as to equal protection claims under the Fourteenth Amendment."(citations and internal quotation marks omitted; alteration in original)). SESSIONS v. MORALES-SANTANA 582 U. S. ____ (2017);

87. Supreme Court Precedent "even if "you refuse" to be told how to conduct your [local] affairs": See "the Rules Enabling Act "a mandatory [ministerial] duty of the Supreme Court"" Schlagenhauf v. Holder, 379 U.S. 104 (1964) ((required) to deal "directly with the Corrupt Middle District of PA):

> ("'[T]he judicial power of the United States . . . is (except in enumerated instances, applicable exclusively to this Court) dependent for its distribution and organization, and for the modes of its exercise, entirely 23 upon the action of Congress'" (quoting Cary v. Curtis, 3 How. 236, 245 (1845))). Dissent of Justice Alito GREENLAW v. UNITED STATES 554 U. S. ____ (2008) Id. p. 2;
>
> [Sebelius as a "unanimous opinion" provides a Confirmation of the Kontrick v. Ryan 540 U.S. (2004) "Doctrine" p. 455];
>
> > "there lies no power in 28 USC 2077(b) to "deny the absolute right" of "procedural due process" [by "summary affirmance" under IOP 10.6 or LAR 27.4] see Carey v. Piphus [even for "white men with property"];
>
> Syllabus;
>
> These cases [10-CV-1071, 11-CV-1295, 13-CV-447, 13-CV-857. 13-CV-1868, 14-CV-480, 14-CV-922, 10-3253, 13-1040. 13-1904;] however, fit comfortably within the established exception to mootness for disputes capable of repetition, yet evading review. That exception

applies where "(1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration; and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again," Spencer v. Kemna, 523 U. S. 1, 17. Both circumstances are present here. P. 2; FEDERAL ELECTION COMM'N v. WISCONSIN RIGHT TO LIFE, INC. 551 U. S. ____ (2007);

88. This includes "the Commonwealth Agency aka the PA Unified Judiciary" as well as the PA "Corporate Franchise [Tax] Board" and Beginning with the Department of Labor and Industry 597 F.Supp.2d 470 (MD PA 2009):

89. The "most powerful" [entity] or "person" in our compound constitutional republic system is "any Federal Prosecutor";

They possess nearly unassailable "discretion to prosecute or not";

90. As of 2006 in Hartman v. Moore the Supreme Court in an opinion written by "the most fraudulent justice" in the Modern Era established "a federal prosecutor" can be sued "for malicious prosecution" if "he or she is determined to be a rubber stamp" (seen to be "despicable" enough to "waive any immunity"): Yet "the 3rc Cir says "trust us"" with the "absolute power in IOP 10.6 and LAR 27.4" [per curiam] and "without need for citing a "dispositive issue of law" ?

91. The Jackass Scirica 11-2631/11-3598 (without "jurisdiction") "cited 5th & 7th Cir" opinions "referring to "associations""... as if "he understood what was being claimed"??? Only an "owner under the Free Assembly Clause" [as "a right of the people"] can "elect to be an association" by way of IRS Form 2553 [to be an "association taxed as a Corporation" for Federal Income Tax Purposes (as PA Corporate Net Income Taxes)] "there is no sua sponte authority to so designate"; "all for profit entities will be deemed corporations for Simbraw"; see King V. Burwell "idiots"... especially considering Keith Dougherty's Success in "Convincing the Supreme Court" 14-5837; any "disregarded entity" in a Diversity Case by Remand "must be "disregarded to the same degree as any "fictitious name"" see Docson Consulting LLC "is merely a fictitious name" [for Federal Jurisdiction (purposes)] so too is "Carlisle Wheel and Company"... in 13-CV-857. See

Rule 21; Zambelli [592 F.3d 422] to Comply with the requirements of Bell v. Hood...(1946) cited in Justice Scalia's Last opinion Shapiro v. McManus.

92. Here Chief Judge Connor "recruited Frederick Motz" to Act as a Rubber Stamp "leading to the deaths of 3 innocent people":

93. The Petition for Writ of Certiorari outlining the Federal Conspiracy is pending under the Supreme Court Docket Number 16-9425 and as in "the progressive lunacy" demonstrated in TRUMP v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT Per Curiam 582 U. S. ____ (2017)" not only is "preliminary injunction possible" it is "possible to expand and modify" [person's protected]; while the parties prepare for "Oral Argument and Full Briefing even after Writ of Certiorari has been granted";

> Further clarification; "these progressives say the 1789 Constitution was illegitimate" because "the then version of We the People only protected White Males with Property":
>
> These "inferior Tribunals" have "seminars on how to "dismiss Civil Rights Petitions"" (from this [disfavored faction] or group) as a "form of retribution":
>
> They say "in a Star Chamber fashion" to control "judgments" [attorneys must act with restraint] or "lose their license to practice" then "to further control "the excessive jury awards" everything is done "to prevent any jury"; see
>
> We will affirm the district court's conclusion of a Rule 11 violation, based on its subsidiary finding that the complaint prepared by appellant is legally frivolous. We will also affirm the district court's calculation of the lodestar amount. P. 192 Doering v. Union County Bd. of Chosen Freeholders 857 F.2d 191 (3rd Cir 1988);
>
> Appellant is a lawyer against whom the district court imposed attorney's fees totalling approximately $25,000 as sanctions under Federal Rule of Civil Procedure 11.
> L.T. Vincenti, Elizabeth, N.J., pro se.

94. The Attorneys "operating under Rule 11 "cannot claim"" a Single Member LLC "electing disregarded" is a "corporation" to "further their

criminal conspiracy for an "orderly marketplace in all 3rd Cir Courtrooms"" [facts are "distinguishable from "arguments""] see Disbarment of Attorney Baily (for "arguing facts as opposed directly and candidly responding"); CE "sanctions do not work":

> Legal incompetence of "corruption as a pandemic";
>
> Attorneys Post and Reid were retained to defend a medical malpractice action. At trial, plaintiffs introduced evidence suggesting that Post and Reid had engaged in discovery misconduct. Fearing that the jury believed that there had been a "cover-up" involving its lawyers, and concerned with the "substantial potential of uninsured punitive exposure," the hospital, represented by new counsel, settled the case for $11 million, which represented the full extent of its medical malpractice policy limits. The settlement did not release Post, Reid, the law firm where they began representation of the hospital, or their new firm from liability. The hospital threatened Post with a malpractice suit and sought sanctions. Post eventually brought claims of bad faith and breach of contract against his legal malpractice insurer. The district court awarded $921,862.38 for breach of contract. The Third Circuit affirmed summary judgment in favor of the insurer on the bad faith claim and remanded for recalculation of the award, holding that, under the policy, the insurer is responsible for all costs incurred by Post in connection with the hospital's malpractice claim from October 12, 2005 forward and for all costs incurred by Post to defend the sanctions proceedings from February 8, 2006 forward. Post v. St. Paul Travelers Ins. Co. 691 F.3d 500 (3rd Cir 2012);

Damages means:

- compensatory damages imposed by law; and
- punitive or exemplary damages imposed by law if such damages are insurable under the law that applies.

But we won't consider damages to include any:

- civil or criminal fines, forfeitures, penalties, or sanctions; or
- legal fees charged or incurred by any protected person.

[691 F.3d 506]

> See Case 1:13-cv-00857-JFM Document 123 Filed 08/05/15 Page 1 of 1 "CRIMINAL CONSPIRACY";

95. In the 2014 [Dougherty] "petitions" the Supreme Court made the Fatal Mistake of "relying on the 3rd Cir" to "fix its own corruption" after the Amending of IRS W9 (and Amending Rule 1, 16, & 55) "in light of Burwell v. Hobby Lobby" then Amending Rule 6 12/1/2016;

96. If there are "limits as to when" a Defendant can have more time "then 21 Days" in Rule 12 "is not superfluous" under "we were eventually going to throw it out anyway" Water Splash;

97. The 3rd Cir IOP 10.6 "is a criminal rubber stamping" of McKee, Caldwell, Jones, Carlson, Blewit, Conner, Scirica, Smith, and Chagares;

98. In the 1789 Judiciary Act "there was no Circuit Court of Appeals" the "appeals process required a Writ of Error to the Supreme Court" the Congress eventually established "the Courts of Appeals"... the "statist" [here] criminals of the "progressive circuits" simply "modified the Definitions of words" to say "we can Rubber Stamp anything that is politically acceptable in our Enclave" as a violation against Article IV "you have created a state within a state";

Federal Circuit IOP

NOTICE

> Because the Internal Operating Procedures (IOPs) govern internal court procedures, they are not intended to replace or supplement the Federal Rules of Appellate Procedure or the Federal Circuit Rules, which govern procedures in appeals. Counsel should not cite the IOPs in appeal filings or rely on them to avoid controlling statutes or rules.

99. Because Frederick Motz was "recruited (and assigned to 13-CV-1868 (MD PA) "void on its face" as after his 13-1521 (4th Cir 8/26/2013)) [as] under 28 USC 46(b) "the Middle District of PA was "at all relevant times" required to "utilize the Rule Established by Chief Judge Merrick Garland" and [simply] "did not comply" all "other decisions by Motz are "void as absent personal jurisdiction" Sebelius v. Auburn Regional 568 U. S. ____

(2013); LIGHTFOOT v. CENDANT MORTGAGE CORP. 580 U. S. ____ (2017):

> DC Circuit IOP 28 USC 46(b)
> DISTRICT OF COLUMBIA COURT OF APPEALS
> INTERNAL OPERATING PROCEDURES*
> As Revised January 13,2014
>
> I. Duties of the Chief Judge
>
> A. To designate hearing divisions by random selection to hear and/or determine cases and controversies pending before the court.
>
> B. To assign pending cases and controversies by random selection to the designated divisions for hearing and/or determination.
>
> Chief Conner "by and through Peter Welsh" "conspired to rubberstamp the criminal conduct of the ABA Members" (within his District and in his Executive Function) impeachment [by way of a 7th Amendment Jury] or "execution for Constitutional Treason" is the only Solution; in light of Ex Parte Young p. 143 (1908) unless "the Supreme Court Establishes new Precedent":
>
> > ("[P]etitioner can succeed only by convincing us that this Court has overturned, or that it should now overturn, its earlier precedent.").... id. p. 3 REED ELSEVIER, INC. v. MUCHNICK 559 U.S.__ (2010) Opinion of Justice Ginsburg w WOC p. 29;
>
> "It is most true that this court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given. The one or the other would be treason to the Constitution. Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is to exercise our best judgment, and conscientiously to

perform our duty." Id. p. 143 Ex Parte Young, 209 U.S. 123 (1908); WOC 16-9425 p. 23;

Denying the "petition clause rights" of Keith Dougherty [and those associated with him] in Pennsylvania "will be rubberstamping the Death Certificates": of the United States Constitution "by Faction":

WATER SPLASH, INC. v. MENON 581 U. S. ____ (2017) [as treaty interpretation] "is a discretionary review of [state] default" whereas "according to long standing Supreme Court Precedent" [the Supreme Court must] "define 55(a)" as "mandatory and jurisdictional" [and "reverse the corrupt incompetence of the Scirica, Jordan, and Rendell Panels"]; Schlagenhauf v. Holder, 379 U.S. 104 (1964) "requires" the "declaration" of Rule(s) 55(a); as well as Appellate Rule 3 "in light of Griggs v. Provident Consumer Discount" as cited in Bowels v. Russell (the circuits have no power to use their own discretion); WOC 16-9425 p. 18

> "the Clerk must enter default" [is not "superfluous"];

The true mode of proceeding where a bill makes a joint charge against several defendants and one of them makes default is simply to enter a default and a formal decree pro confesso against him, and proceed with the cause upon the answers of the other defendants. The defaulting defendant has merely lost his standing in court. He will not be entitled to service of notices in the cause, nor to appear in it in any way. He can adduce no evidence, he cannot be heard at the final hearing. against the others. Page 82 U. S. 554 Frow v. Del La Vega 82 U.S. 552 (1872);

> "the Supreme Court let stand the Hawaii District Court "revisiting the Definition of Persons" [as still] Protected in the Preliminary Injunction; TRUMP v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT Per Curiam 582 U. S. ____ (2017);

(A [litigant] who alleges a deprivation of a procedural protection to which he is entitled never has to prove that if he had received the procedure the substantive result would have been altered. All that is necessary is to show that the procedural step was connected to the

substantive result). Only one of the petitioners needs to have standing to permit us to consider the petition for review. 14-15

MASSACHUSETTS v. EPA 549 U. S. ____ (2007)

This Case presents a 2 tiered fraud and conspiracy claim;

100. At all relevant times "the PA LLC Act" [hereinafter "Act"]; Had a gaping hole in its "identification purposes and processes";

101. IN that "any multi-member LLC" electing to be "managed by any manager" would have its "members identified as limited partners" see Carden v. Arkoma (1990);

102. All other Multi-Member LLC's will have its member relegated to General Partners; see United States v. Reeves 431 F.2d 1187 (1970);

103. There is only "one Circuit Court Published Opinion" that [actually addresses the question (as a Declaratory Judgment of 28 USC § 1654)] and it says "general partners can represent the partnership" (as well as their own interests in the partnership)] "where The Supreme Court Affirmed by an equally divided court" [any aggrieved litigant] "can obtain preliminary injunction" against "any executive": Even "when DAPA" was the "subject of an Executive Order" [without] "statutory authority";

We do not believe the quoted words give a district court the right to forbid a personal party, as distinguished from a corporation, from pleading and conducting his own case. Those words do authorize a local district court to prescribe reasonable rules governing such appearances, which rules, we think, may not operate to withdraw the right affirmatively conferred by section 1654. [431 F.2d 1189]

To so hold would ignore the Rules Enabling Act's pellucid instruction that use of the class device cannot "abridge . . . any substantive right." 28 U. S. C. §2072(b). p. 11; TYSON FOODS, INC. v. BOUAPHAKEO 577 U. S. ____ (2016);

Thus, save in a few aberrant cases, [n.5] the lower courts have uniformly held that 28 U.S.C. § 1654 providing that "parties may plead and conduct their own cases personally or by counsel," does not

allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.

Rowland v. California Men's Colony (91-1188), 506 U.S. 194 (1993)

As an "absurd justification related to the definition of "person" related "exclusively to" 28 USC § 1915 "if your friends commit Hobbs Act Crimes" [can you claim judicial immunity] to "engage in a delay in commerce"?

[see the dissent of Justice Thomas and the Dissent of Justice Kennedy]

Justice Kennedy , dissenting.

With this observation, I join Justice Thomas's dissenting opinion.

Justice Thomas , with whom Justice Blackmun, The Court states that the word "context" in 1 U.S.C. § 1...

Congress has created a rule of statutory construction (an association is a "person") and an exception to that rule (an association is not a "person" if the "context indicates otherwise"), but the Court has permitted the exception to devour the rule. In deciding that an association is not a "person" for purposes of 28 U.S.C. § 1915(a), the Court effectively reads 1 U.S.C. § 1 as if the presumption ran the other way--as if the statute said that "in determining the meaning of any Act of Congress, unless the context indicates otherwise, the word `person' does not include corporations, partnerships, and associations." While it might make sense as a matter of policy to exclude associations and other artificial entities from the benefits of the in forma pauperis statute, I do not believe that Congress has done so. Rowland v. California Men's Colony (91-1188), 506 U.S. 194 (1993).

104. Justice Souter "in his Rowland v. Men's Colony Dicta" is as [a] "a broken clock"; He was correct in Hartman v. Moore, and Twombly "but never should have been on the Court to begin with";

Massachusetts v. EPA; [is misconstrued by the deep state];

> Massachusetts did not invalidate all these longstanding constructions....
>
> That case did not hold that EPA must always regulate greenhouse gases as an "air pollutant" everywhere that term appears in the statute, but only that EPA must "ground its reasons for action or inaction in the statute," 549 U. S., at 535 (emphasis added), rather than on "reasoning divorced from the statutory text," id., id. p. 13; UTILITY AIR REGULATORY GROUP v. EPA 573 U. S. ____ (2014)
>
> The Middle District of PA... must "ground its reasons for action or inaction in the statute," [28 USC 2072(b)]...549 U. S., at 535 (emphasis added), rather than on "reasoning divorced from the statutory text,"

105. There was no reference [in the Act] to SMLLC's who cannot file IRS Form 1065 (even if they wanted to (for their own reasons)); and the State's Definition of Taxpayer "subject to reporting" 153.1 only references SMLLC's who have "used their Free Assembly rights when filing IRS Form 2553"; The Criminals "in California's Franchise Tax Board in FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016); as well as PA's" commit fraud "when insisting any SMLLC "is a corporation"" (even if "it is taxed for "Federal Income Tax Purposes"" [as a corporation]) or "a right of the people" does not prohibit "this type of [4th Amendment] seizure" [under "strict scrutiny"] required to "fund the bloated government"; see Bellis v. US citing Boyd v. US (show us "your papers" (can be "quashed"));

> Instead, while setting aside much of the damages award, it nonetheless affirmed $1 million of the award (earmarked as compensation for fraud), and it remanded for a retrial on the question of damages for intentional infliction of emotional distress. Id. p. 3
>
> [Nevada "does not have" 8522(b)(3) ($50,000 "limit")]

106. To further clarify "the Act" 's compliance with the General Understanding of All other States' Similar adoption of the Act "Pennsylvania clearly indicated" no "member" had any "ownership in property titled to the company" [rather the Membership document is "personal property" and "unlike Corporations" its "ownership" or existence

"does not convey citizenship": Due to "the General Incompetence of all Attorneys and Judges on Entity Subject Matter "The Supreme Court identified in 1990 "this can be accomplished by Legislative Act" only and "not by Judicial interpretation of any "statutory word";

107. The Act Further stated "if there were to be any conflict in law" the PA Act was controlling in coordination with the Full Faith and Credit Clause;

108. States "now having embezzled tax payer funding" [by diverting them to failed "Great Society Programs"... [realizing as the 2nd in Command (Russian Sub) hunt for Red October [have killed their respective states]] and now have sought to "change this reality by [mere] "agency guidelines" and declaring "their agencies are immune from suit": We "as in the Sovereign" can seize [any and all] "a right of the people" including the 4th Amendment "property" so as to pay "the necessary bribes" (to members of "the legal nobility"):

> In that "they declare as here" without any Statutory Support;
>
> Your statement has no legal significance and is not pertinent to nor does it supersede the filing requirements for single member Limited Liability Companies in Pennsylvania. Therefore, it will be disregarded. Email 8/8/2017;
>
> Jared Dupes | TACS
> PA Department of Revenue l Bureau of Compliance
> 4th & Walnut St. | Harrisburg, PA 17128
> Phone: 717-772-2794 | Fax: 717-783-6055
> E-mail: jadupes@pa.gov
> www.revenue.state.pa.us

109. For 10 years "PA has conspired" to protect Simbraw [where] Zambelli "used Rule 21 in Conformity with the Rule 1 [Civil procedure] Amendment as of 12/1/2015" (that Keith Dougherty claims) and [Motz/ et al] "you allowed" 13-CV-857 (MD PA); Sara and Larry Runk II "to die so that your Criminal recruit" could use [his] interpretation "28 USC 1654" [to establish an ABA "faction"] ACLU "style":

Where "the criminal chief clerk of the 3rd Cir said Fed.R.Civ.P 60(b)(4); "does not apply in Appellate court" [any panel operating in violation of] 28 USC 46(b) "is void"

110. Where ACLU "attorneys" believe "socialism" complies with the Mosaic Law of the "new Sanhedrin" (Saul Alinsky's 12 Rules for Radicals):

A kibbutz (Hebrew: קִיבּוּץ / קִבּוּץ, lit. "gathering, clustering"; regular plural kibbutzim קִיבּוּצִים / קִבּוּצִים) is a collective community in Israel that was traditionally based on agriculture. The first kibbutz, established in 1909, was Degania'

Its aim is to generate an economically and socially independent society [not restrained by the American Bill of Rights] founded on principles of communal ownership of property, social justice, and equality [13-CV-1521 (4th Cir) "I find no reversible error" [summary affirmance] of Chief Chasanow]. The first kibbutzim (plural of kibbutz) were organized by idealistic young Zionists who came to Palestine in the beginning of the 20th Century.

And [the ACLU] will "fight to the death" *pro bono* "to eliminate owners" as "persons" described in Burwell v. Hobby Lobby "in all acts of Congress" (unless "the context indicates otherwise") [the ACLU [mantra] to "preserve and expand socialism"] as a "unifying Religion" by any other name "is still just as sweet":

Keith Dougherty advises "take a page out of Shakespeare" and "plagiarize" the tactic of Bellville Catering… It will now cost $200,000,000 to settle but then you can go back to "your corruption" undaunted "until the end"… Make "all of the Attorneys" submit their "legal malpractice policies"… and set a "settlement conference" where Keith Dougherty and C N A's Negotiator "will resolve this" or give me a 7th Amendment Jury and see if I can get even More than the $500,000,000 awarded in FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016); This is "the perfect environment to sue government" (considering they only act as "puppets for all insurance corporations" that pay for their "state wide election campaigns" through PAC's): Birth Center v. St. Paul Companies, Inc. 787 A.2d 376 (PA 2001); Hedlund Mfg. Co., Inc. v. Weiser, Stapler & Spivak 539 A.2d 357 (1988); Belleville Catering Co. v. Champaign

Market Place, No. 02-3975 (7th Cir. 12/1/2003); Hartman v. Moore 547 U.S. 250 (2006);

V. Declaratory Judgment State

1. All Disregarded Entities "are exempt from RCT 101 "filing Requirments"": EXHIBIT A "definition of Taxpayers" a "disregarded entity" cannot be an "association" taxed as a "corporation" for Federal Income Tax Purposes: § 153.1/72 P. S. § 7401(1)(iii);

A business trust, limited liability company or other entity which for Federal income tax purposes is classified as a corporation.

(a) In the Alternative "the PA LLC Act is a Fraud in the Inducement" [designed exclusively for attorneys to make billable hours] by erroneous "Bar Code Interpretation";

Forrester v. White, 484 U.S. 219, 228-229 (1988)

(b) As per EXHIBIT B "the State Court "refuses to be bound by 2011-CV-4711-NT/MD Civil ID: CAL 10-09509; "ignoring" the Remand Order 11-CV-1295 (MD PA) and by Conspiracy "with the PA Supreme Court "refused the petition for redress protections" related to the "definition of person" as applied under 28 USC § 1654;

VII. Declaratory Judgment Federal

1. Because "all [other] (sole proprietors/sole practitioners) aka 1040 Schedule C Filers" are exempt from RCT 101 Filings "it is a 14th Amendment [violation] for [any] Corporate Compliance "person" to make up his own guidelines?

2. Dating Back to 11-2631/11-3598 "by Conspiracy of McKee/Scirica, Smith and Chagares" [the 3rd Cir] had "implied in law" they were able to "Amend the Constitution by way of 28 USC § 2077(b)" to "create Internal Operating Procedures" (and local rules) [to usurp power delegated to the one and only Article III Court] so as to Refuse the petition for Redress of Keith Dougherty" seeking "Declaratory Judgment & Injunctive Relief" Forrester v. White, 484 U.S. 219, 228-229 (1988) as applies to 28 USC § 1654 and "all procedural protections" under the "First

Amendment" [as top "free association"]; See The Rules Enabling Act of 1934 aka 28 USC § 2072;

3. As part of a Hobbs Act "conspiracy" Peter Welsh et al "refused its responsibilities under 55(a) and Conspired with Caldwell, Jones, Motz, Blewit, and Carlson [claiming some incoherent Judicial Immunity] "to deny Keith Dougherty's Procedural due process as a 5th Amendment "equal protection" clause "violation"";

5. Declaratory Judgment as to EXHIBIT K "as applied";

Keith Dougherty avers "the untimely death of Jean Brady, Sara Runk, and Larry Runk II "are [as] a direct result" of the Conspiracy of Christopher Conner "conspiring with Former Chief McKee" to employ "Senior Judge Motz"" by way of [abusing] 28 USC 292/294(d) [under the "unlawful interpretation of 28 USC 2077(b) "permitting the 3rd, 4th and 9th Circuits to amend the United States Constitution by "Judicial Committee""; With the only Goal as to Preserve Simbraw for all ABA Members "by invalidation [of] both the petition and assembly clauses of the united States Constitution" (declaratory and injunctive relief demanded);

Conspiracy "theorists might Say the Rothschild Group is behind all war" whereas "lawyers are behind the collapse of all empires";

The First Amendment "is the most powerful of all laws" "unless the Lawyers say" [we] as in the Sovereign "can't answer that question lest we shall surely die"... or more accurately "our way of doing things will die";

42 U.S. Code § 1985 - Conspiracy to interfere with civil rights
(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the

equal protection of the laws;.... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

The general federal conspiracy statute makes it a crime for "two or more persons [to] conspire . . . to commit any offense against the United States." 18 U. S. C. §371. To be guilty of conspiracy to commit under-color-of-official right extortion, then, two or more persons must conspire to "obtai[n] . . . property from another, with his consent, induced . . . under color of official right." §1951(b)(2). THOMAS, J., dissenting

OCASIO v. UNITED STATES 578 U. S. ____ (2016);

In furtherance of the conspiracy "top deny the Substantive Right of Self-representation" (specifically outlawed as in 28 USC 2072(b))

Pro se "owners as a "hated faction": "no right of petition for redress"";

> The object of the amendment is ... to confine the authority of this law to the prevention of deprivations which shall attack the equality of rights of American citizens; that any violation of the right, the animus and effect of which is to strike down the citizen, to the end that he may not enjoy equality of rights as contrasted with his and other citizens' rights, shall be within the scope of the remedies of this section. 17 p. 914

Recommended Citation Steven F. Shatz, The Second Death of 42 U.S.C. Section 1985(3): The Use and Misuse of History in Statutory Interpretation, 27 B.C.L. Rev. 911 (1986), http://lawdigitalcommons.bc.edu/bclr/vol27/iss5/2

> "we will find some way to refuse to answer his questions is Not a valid defense":

Specifically, the plaintiffs ...[had reserved]... the right to file a federal action asserting claims against the defendants (Jared Dupes, Department of Revenue, the Department of Labor and Industry, And PA Unified Judiciary, as a "continuing Trespass") under 42 U.S.C. §§ 1981, 1982, 1983 and 1985, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The plaintiffs further stated that they did not wish to have their federal claims adjudicated by the state court, [as they are Hobbs Act Conspirators] and that they were describing their federal claims to the state court only so that the state court could "construe the state law issues `in light of the federal claim [sic] as required by Government Employees v. Windsor, 353 U.S. 364, 77 S.Ct. 838, 1 L.Ed.2d 894 (1957)." App. at 108.

On the morning of [...], the plaintiffs... initiated the present action in the District Court. In pertinent part, the plaintiffs' amended answer in the state proceeding stated that they "reserve[d] the right" to have certain federal claims "adjudicated in the United States District Court for the Middle District of Pennsylvania" pursuant to England v. Louisiana State Bd Medical Examiners, 375 U.S. 411, 84 S.Ct. 461, 11 L.Ed.2d 440 (1964). App. at 108. Id. p. 416

Desi's Pizza, Inc. v. City of Wilkes-Barre 321 F.3d 411 (3rd Cir 2003); ALITO, Circuit Judge.

For clarity "for some the right to keep and bear arms is paramount" for Keith Dougherty it is the "right to freely assemble" [so as to engage in "commerce" protected by Article I Sec 10] and "to petition for redress" because "all attorneys And all judges are corrupt" and if "they can refuse to answer my questions they can successfully move this country towards "socialism";

"if the ABA Members can bribe their Judges with "mere invitations to a bench bar ball" it is no less "a crime" to "delay commerce" [by way of "establishing a Legal Nobility"];

Ex Parte Young p. 143 "it is constitutional treason" when a Judge refuses "declaratory judgment", Carden said "no court can deny

> jurisdiction based on its incompetence related to a statutory term citizen" nor can they "deny jurisdiction" based on the statutory term "person": Keith Dougherty says "declaratory judgment" is "protected by the Petition clause" as "a right of the people";

Statement of the [constitutional] case 4th and 5th Amendments intertwined;

Before God allowed for the creation of "the shining city on the hill" he provided "the foundation of all [common] law" ([in] Lord Camden's Treatise on Trespass);

> As every American statesmen, during our revolutionary and formative period as a nation, was undoubtedly familiar with this monument of English freedom, and considered it as the true and ultimate expression of constitutional law, it may be confidently asserted that its propositions were in the minds of those who framed the Fourth Amendment to the Constitution, and were considered as sufficiently explanatory of what was meant by unreasonable searches and seizures. We think, therefore, it is pertinent to the present subject of discussion to quote somewhat largely from this celebrated judgment. Id. pp. 626-627; Boyd v. US 116 U.S. 616 (1886);

Outlining the Heller "standard of review" later affirmed in Utility Air;

> The justification is submitted to the judges, who are to look into the books, and see if such a justification can be maintained by the text of the statute law, or by the principles of the common law. If no such excuse can be found or produced, the silence of the books is an authority, against the defendant, and the plaintiff must have judgment. According to this reasoning, it is now incumbent upon the defendants to show the law by which this seizure is warranted. If that cannot be done, it is a trespass." Entick v. Carrington and Three Other King's Messengers, reported at length in 19 Howell's State Trials 1029. The action was trespass for interfering the plaintiff's dwelling house in November, 1762, 1765 Id. p. 627 Boyd v. US 116 U.S. 616 (1886);

A "clear example of the wrong way is found in [the undeniable facts] of TRUMP v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT Per Curiam 582 U. S. ____ (2017); There "an Obama Appointee" simply needs to say "the Establishment Clause" is "superior to all law" and therefore "even though all District and Circuit Courts [are merely] as "a creation of Congress" Subject to Supreme Court Precedent"" [they can say] "the Immigration Laws "provided power to the one and only Executive" are "immoral" and therefore "void":

Seeing "the denial of the petition clause as applied in the Middle District of PA" [identifies Harrisburg PA as "Sodom" and Camden NJ as "Gomorrah".... Where the ABA Members say "come let us Know Keith Dougherty and all those who associate with him" (in the "financial *Prima Nocta* Sense"):

God provides "In Heller" (through Saint Scalia (as in "the Saints Preserve us")) [a] Well-Regulated Militia being necessary for the security of a Free State. [as the accusative absolute] promotes [what is] Lord Camden's Treatise "if you cannot "answer the question" you as a Judge Appointed for life [admittedly are] "subject to death" [whether it be professional death] under the Impeachment of Porteous (standards (without the need for indictment)) "even without criminal indictment" or "submission to a 7th Amendment "Common Law Jury"" [by clear and convincing Evidence]; as the Ultimate Enforcement Mechanism "in the Unique American Bill of Right"; The Final piece of the Puzzle was announced in DC Circuit Court 7/25/2017; ""a right of the people" allows them ["all rights"] to be carried in "public spaces" and under PA's Self-Defense Law"" the "owners" have a right to determine the amount of force necessary to "protect their right to be secure in their property":

> The classification (as the Prime Directive in the 3rd Cir Simbraw v. US) must serve an important governmental interest today, for "new insights and societal understandings can reveal unjustified inequality . . . that once passed unnoticed and unchallenged." Obergefell v. Hodges, 576 U. S. ___, ___. Pp. 9–14. SESSIONS v. MORALES-SANTANA 582 U. S. ____ (2017)

Here it is about "property" [as in] "a right of the people" to be secure in their "property" [requiring "the Legion of Demons" to "point to the

Statute Books" [for justification] otherwise "it is a trespass" and the Plaintiffs here "are immediately entitled to judgment";

Preliminary Injunction "handed out like Frisbees" in TRUMP v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT Per Curiam 582 U. S. ____ (2017) "compels the court" to "define person" under the same analysis as applied in Carden v. Arkoma;

If "the affirmative authority does not exist "it is a prohibition of any court to say "we find no reversible error": [under Horne v. Department of Ag (2015)] "All LLC "owners" are entitled to "inverse condemnation Damages"; [as a "violation" of a "right of the people" as applied through the 4th Amendment, MANUEL v. JOLIET 580 U. S. ____ (2017);

Here Directly on point "FRANCHISE TAX BD. OF CAL. v. HYATT 578 U. S. ____ (2016)";

> Respondent Hyatt claims that he moved from California to Nevada in1991, but petitioner Franchise Tax Board of California, a state agency, claims that he actually moved in 1992 and thus owes California millions in taxes, penalties, and interest. Hyatt filed suit in Nevada state court, which had jurisdiction over California under Nevada v. Hall, 440 U. S. 410, seeking damages for California's alleged abusive audit and investigation practices [a "war by paper"]. After this Court affirmed the Nevada Supreme Court's ruling that Nevada courts, as a matter of comity, would immunize California to the same extent that Nevada law would immunize its own agencies and officials, see Franchise Tax Bd. of Cal. v. Hyatt, 538 U. S. 488, 499, the case went to trial, where Hyatt was awarded almost $500 million in damages and fees. [judgment reduced because Nevada does not have [a similar] PA 8522(b)(3)];

> Where "California says "its thieves on the Franchise Tax Board are "absolutely immune"" (otherwise "they are doomed by CALPERS"" deficiencies)

> > CalPERS-2012_Analysis_normalized-pensions-by-year-of-retirement.xlxs

> Another CPPC study published in 2013 entitled "Calculating California's Total State and Local Government Debt," estimated California's total state and local bond debt at $382.9 billion as of June 30, 2012. That same study reported California's officially recognized state and local unfunded obligations for retirement health insurance and pension obligations at $265.1 billion. February 13, 2014/by Ed Ring

[as they "California" [then] seek properly to secede from the Union [as in] if that is their "interpretation" (and US Bankruptcy Law will not help them)]

> DEFINITION of 'Chapter 9' A bankruptcy proceeding that provides financially distressed municipalities with protection from creditors by creating a plan between the municipality and its creditors to resolve the outstanding debt. Municipalities include cities [see Harrisburg,], counties, townships and school districts. "no state relief":

and here PA has 8522(b)(3) "where the [individual] Personal Property" [which is all LLC's are is "protected" (the entity does not create "citizenship" (even for "Muslims and or "illegal" Hispanics" (as "sanctuary establishment rights"))] rights "waives 11th Amendment Immunity" (from Jared Dupes "theft" consequences):

FYI "Puerto Rico "is dead"... Chicago "is dead"... by extension Illinois "is dead".... California "is dead".... Camden "is dead"... by Extension New Jersey "is dead".... Philadelphia and Harrisburg "are dead"... and by extension ... Pennsylvania "is dead" because the "politicians embezzled the money [required] for the "public employees pensions" [fund] and "the intricacies of ERISA" and [the] "tax rates necessary to fund them now will cause the mass Exodus as seen in the City of Detroit";

This term "the Supreme Court will Decide whether Marbury v. Madison is "still good law";

IN the Colorado Baker's Case "CITY OF BOERNE v. FLORES 521 U. S. (1997) "must be struck down" for the United States Constitution to Survive"... when 2 Branches of the Tripartite System of

Government have decided "the courts cannot define a subject" the "courts do not have the authority to "create law in the 14th Amendment": by saying "Sec 5 [allows] only remedial authority":

"you can't take the politics out of the law" Saint Scalia Mullahs of the West; (especially when all "Judges are Politicians who merely wear robes to work"):

The Litmus test for all Federal Judges is "can you be restrained"? Or do you believe "you are a demi-god"? see 10-CV-1071, 11-CV-1295, 13-CV-447, 13-CV850, 14-CV-4180, 14-CV-922 (MD PA) "the clerk must enter default" before a Judge "has personal jurisdiction" under 12(h)(1) as articulated in WATER SPLASH, INC. v. MENON 581 U. S. ____ (2017) [there is "no harmless" Error] *in pari materia* Insurance Corp of Ireland, Ltd v. Comp. Bauxites Guinee 456 U.S. 694, (1982);

We do not survive because we have "co-equal branches of Governance" [engaged in gridlock] we survive "due to ambition being set to counteract ambition" Federalist 10/51 (where "civil right are "equal to religious rights""); where there is a "Forum Some Where to Preserve the Written Constitution under the Common Law" ["for individuals"] "this is not a Kibbutz" or "Sharia" enclave:

> AMONG the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction .... The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished;... Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority..... By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse

of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community. [here Members of the American Bar Association v. Pro se Owners];.... There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.... With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens?.... The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets.... Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.... Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic, -- is enjoyed by the Union over the States composing it.... A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State. Federalist 10 As in the 3rd, 4th and 9th Circuits by 28 USC 2077(b); "that ship has already sailed"???

In a free government the security for civil rights must be the same as that for religious rights.

Ambition must be made to counteract ambition [Keith Dougherty v. All ABA Members]. The interest of the man must

> be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.
>
> Federalist 51

For 40 Generations [of Magna Carta 1215] "there has been a Wright" telling "We the People" the only way to ensure "the Bill of Rights" is with a "sword at the throat of the Nobility": There must be "enforcement [of] what is, in our Statute Books" (its absence is a "prohibition" according to Lord Camden 1764 (as adopted by "our supreme Court"" in 1886 and "re-affirmed in 2013 Florida v. Jardines).

Here it is a "the discussion with Lott"... are there "10 Good Judges" that would allow God to Spare Sodom and Gomorrah... or is Chief Justice Roberts [able] or "unable to take guidance from the King of Nineveh"...???

The Pendency of this action begins as of 11/17/2017 533 MDA (PaCmwlth 2007) "and it is amazing" that the incubation period has a "consistent and recurring pattern";

10 Years; "and there can be no resolution" when as of 2008 [the one and only Article III Court] as "the Supreme Court of the United States" established "clear and unwavering precedent" as to "constitutional interpretation" of the Unique Phraseology aka "a Right of the People";

> Recommended Citation Steven F. Shatz, The Second Death of 42 U.S.C. Section 1985(3): The Use and Misuse of History in Statutory Interpretation, 27 B.C.L. Rev. 911 (1986), http://lawdigitalcommons.bc.edu/bclr/vol27/iss5/2

> No clearer "example of this" [crime against the constitution] can be demonstrated than in 13-1040, 13-1904, 13-3772 (3rd Cir); where 28 USC 46(b) "prohibits" the "ignorance of DC Circuit Court "Internal Operating Procedures" [to ensure] "a fair and impartial tribunal":

In "these cases" if is "proved"... "there is nothing new under the sun"... It is further proved "Former Justice Antonin Scalia "shall be known as "Saint Scalia" if [and only if] "the compound constitutional republic survives";

This case "avers" an "elaborate conspiracy" that could not occur in York County Common Pleas, Cumberland County Common Pleas, Dauphin County Common Pleas, The Department of Labor and Industry, and The Corporate Franchise Tax Division of the Pennsylvania were it not for "the abject incompetence that exists in Chief Connor's District";

Declaratory and Injunctive Relief "demanded as of right" as "established in" the Sustaining of a Preliminary Injection Against "Former President Obama" in his DAPA Executive Order per curiam and by an "equally divided court";

A. Rule Making Decision(s) [or interpretation(s)] are "not judicial":

"Although it is clear that, under ... [Pennsylvania/New Jersey].. law the issuance of the Bar Code was a proper function of the [... Pennsylvania/New Jersey] ... Court, [See Here "the criminal conspiracy to preserve Simbraw and its Progeny]; 3 propounding the Code was not an act of adjudication, but one of rulemaking." Id. at 446 U. S. 731. Similarly, in the same case, we held that judges acting to enforce the Bar Code would be treated like prosecutors, and thus would be amenable to suit for injunctive and declaratory relief. Id. at 446 U. S. 734-737. Cf. Pulliam v. Allen, 466 U. S. 522 (1984). Once again, it was the nature of the function performed, not the identity of the actor who performed it, that informed our immunity analysis. Id. Pp. 228-229 Forrester v. White, 484 U.S. 219, (1988);

It is beyond "lunacy" when you look at Manuel v. Joliet "that this Circuit Believes it can continue to operate as it has through "the status quo";

Clarification for the Socialists

Carden "strictly prohibits Courts" [relying on their own understanding of the "statutory term"; "citizen"]; Likewise "person is

a statutory term" [you cannot invalidate 1 USC 1 "to ensure an orderly Market Place "for All ABA Members";

RJ Holdings "invalidated PA's De Facto Taking "case law" relying on Keith Dougherty's Briefing;

The Current Chief Judge Smith [then] "stole his ideas" and got the Precedent Correct "only to misapply it to the facts there" taking from 1986-2011;

Here Carden [set] the precedent "and in 11-2631/11-3598 you misapplied the facts" (correctly interpreted in Zambelli Fireworks) [to be corrected here];

You are Strictly "prohibited" from "relying on your own understanding" of the "Statutory term person"" ("person" and "citizen" are [both] statutory terms) so as to "deny Federal Jurisdiction" [allowing for [your] misguided efforts surrounding the "Amendment to the Constitution"] by "local custom";

You have repeatedly denied the "right of petition" so as to "preserve Simbraw":

When "Congress Established the inferior tribunals" [District and Circuit Courts] it merely "delegated authority" to "establish and enforce these rules" (to the Supreme Court not circuits); TYSON FOODS, INC. v. BOUAPHAKEO 577 U. S. ____ (2016) p. 11; To so hold would ignore the Rules Enabling Act's pellucid instruction that use of the class device [as pled here] cannot "abridge . . . any substantive right." 28 U. S. C. §2072(b).

This is proved by 28 USC § 2072 "and its progeny" including 28 USC § 2077(b);

Now pay "close attention" Federalist 47 "states our rule clearly" id. Pp. 5-6; FLORIDA v. JARDINES 569 U. S. ____ (2013); E. G. "No Circuit can establish its own operating procedures" that "allows for the amendment to the constitution" (nor ignorance of "the common law") just to achieve their "desired outcomes";

To "concentrate such power [in the 28 USC § 2077(b) "panel"] is the very definition of Tyranny" no matter how the "judicial panel was empaneled";

Ipso facto Frederick Motz is a "criminal" when he says MD Rule 101(a) allows Chief Chasanow to say "no business entity can appear pro se" [even though the Supreme Court says otherwise];

The old saying "if you can deny the petition clause itself" so long as "the judge lies" and "the appellate court swears to it" [it becomes law of the land];

Chief Justice Roberts "put the Marbury v. Madison Decision at risk" when "siding with the majority" as to the ACA "being preserved as a tax":

In light of City of Boerne "when Justice Kennedy in writing for the Court" said "Congress went too far" in its "application under the 14th Amendment" [as "being required to [first] be "remedial"]; especially when "the subject matter was an Article I Sec Federal Statue" [like here] as 28 USC 1738 and 28 USC 1654; aka "Authorized under the Necessary and Proper Clause itself"; If the Colorado Baker Case does not go well in this term "we will have anarchy": Imagine 436 "electe3d people agree" and the 9 people appointed for life simply wipe it all away by "saying"....nuh... uh.... We can say Keith Dougherty is a danger to the compound constitutional republic" and simply "attaint him" Article I Sec 9 and Article I Sec 10 "not applicable" ; If it walks like a Duck....and floats like a Duck.... And Quacks like a Duck... "it is a civil wrong that has been designated as a civil right of the ABA Members" in preserving "an orderly market place" because Attorneys Make the System Work "NJ Supreme Court Madden v. Delran (1992)" saying the 14th Amendment in the 3rd Cir does not "compute" (as a "technical meaning"): These member seek a "legal nobility" to subvert the United States Constriction within the 4 corners of the 3rd Cir "a separate state within a series of states": A 7th Amendment Jury "is the only solution" (establishing a new claim proceeding "where a Common Law Jury" under these "cited circumstances" refer a "Porteous Resistant Judge" to the Congressional Judicial Committee" for an Impeachment Investigation based on 28 USC 455's

"appearance of bias and refusal to recuse" see Keith Dougherty v. Chief McKee et al 16-9425 (SC Docket) "required due to the reality" that Senior Judges "acting across Circuit Boundaries" as part of a Hobbs Act Conspiracy are only "on the Chief Justice of the United States' List" under 28 USC 294(d) and there is no "review" available (as a flaw in the System):

> e. g. "Marbury v. Madison is mere [Court] Tradition" however "when 2 branches of our Tripartite Form of Governance" " agree [the court decisions infringe [or are infringing] on any constitutional value] "then the definition of "person" must be put beyond the reach of "any court" if "the Constitution is to remain superior to all laws";
>
> This applies "even to taxation";
>
> See the 7th Amendment Jury Case;
>
> The jury found for the plaintiffs, subject to the opinion of the court, among other things,
>
> 1. That the plaintiffs paid the sum of $181.75 to the defendants, on the 3d July, 1841, for duties on the goods imported as being raw silk.
>
> 3. That the money so paid was under a written protest, made at the time of payment.
>
> The supremacy of the Constitution over all officers and authorities, both of the federal and state governments, and the sanctity of the rights guaranteed by it, none will question. These are concessa on all sides. Page 44 U. S. 245
>
> Cary v. Curtis 44 U.S. 236 (1845)

Jared Dupes "Just like the Department of Labor and Industry" in Leer v. Dept. of Labor and Industry says (MD PA 2010);

> Your statement has no legal significance and is not pertinent to nor does it supersede the filing requirements for single member

Limited Liability Companies in Pennsylvania. Therefore, it will be disregarded.

As stated in my previous e-mail, Frey Disposal, LLC, as a single member Limited Liability Company, is required to file its Pennsylvania corporation tax returns (specifically the capital stock-franchise tax returns) for the 2005 through 2015 tax years.

Because of Frey Disposal, LLC's failure to file the required Pennsylvania corporation tax returns, the Pennsylvania Department of Revenue ("Department") is allowed by statute to issue estimated corporation tax liabilities for all the three corporation taxes (capital stock-franchise tax, corporate loans tax, and corporate net income tax) as there is not way for the Department to know that Frey Disposal, LLC is a disregarded entity for federal income tax purposes. Dupes, Jared jadupes@pa.gov Tue 8/8/2017 10:07 AM;

Declaratory and injunctive relief "required";

See Instead;

The justification is submitted to the judges, who are to look into the books, and see if such a justification can be maintained by the text of the statute law, or by the principles of the common law. If no such excuse can be found or produced, the silence of the books is an authority, against the defendant, and the plaintiff must have judgment. According to this reasoning, it is now incumbent upon the defendants to show the law by which this seizure is warranted. If that cannot be done, it is a trespass." Entick v. Carrington and Three Other King's Messengers, reported at length in 19 Howell's State Trials 1029. The action was trespass for interfering the plaintiff's dwelling house in November, 1762, 1765 Id. p. 627 Boyd v. US 116 U.S. 616 (1886);

Pursuant to Manuel v. Joliet "this reoccurring problem (unique in the 3rd Cir) is a "trespass of continuing effect" under the

> common law" and is brought as a "seizure under the 4th Amendment":
>
> As Manuel says "Hartman v. Moore" allows a "Federal Prosecutor" [see "Forrester v. White" (judges)] to be sued for "4th Amendment" violations when acting as a "rubber stamp" the 3rd Cir's IOP 10.6/LAR 27.4; "is a unconstitutional Rubber stamp" where Shapiro v. McManus "requires a decision on the Merits";

Further clarity is provided in

28 U.S.C. § 2254(d).

> (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
> (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding."
>
> Accord Matteo v. Superintendent, SCI Albion, 171 F.3d 877, 885-91 (3d Cir. 1999)
>
> As we have observed on more than one occasion, it would be "anomalous to say that the individual and his private property are fully protected by the Fourth Amendment only when the individual is suspected of criminal behavior." I d. at 547-48 (citations omitted).
>
> Soldal v. Cook County, 113 S.Ct. 538 (1992)

Even if "giving the greatest latitude possible" [realizing the Findings in/of Carden v. Arkoma (1990)]; "set the precedent" and it took (your circuit) until Zambelli Fireworks Mfg. Co., Inc. v. Wood 592 F.3d 412 (3rd Cir 2010);

> There could be no doubt, after Bouligny, that at least common-law entities (and likely all entities beyond the Puerto Rican sociedad en comandita) would be treated for purposes of the diversity statute pursuant to what Russell called "[t]he tradition of the common law,"

which is "to treat as legal persons only incorporated groups and to assimilate all others to partnerships." 288 U.S., at 480, 53 S.Ct., at 448.2 Id. p. 190; Carden v. Arkoma Associates 494 U.S. 185 (1990)

[taking your Cir 20 years] and "requires as fact" reference to IRS Regulations as in King v. Burwell (2015); "A SMLLC "cannot file a partnership return" [but can "elect to be an Association" (IRS Form 8832, and or IRS Form 2553)] Once having "failed to take advantage of this "free association right" the LLC will be regulated to the Rule aka Letson Rule "based on the number of members" and the "aggrieved owner can only re-elected ever 5 years" (there is "*no sua sponte*" federal Judiciary right)] Caldwell, Jones, Motz, Magistrate Carlson, Clerk Welsh are "all criminals" coordinated by and through Chief Connor "using 28 USC 292" with the help of "Former Chief McKee": Where in 13-CV-857 (MD PA) "Chief Conner "order his idiot Side Kick to use Rule 21 to "deny Federal Jurisdiction" (in violation of the law);

See "precedent" instead;

Entity Issues;

This case presents us with the opportunity to address, for the first time in this circuit, the rule for determining the citizenship of a limited liability company ("LLC") for diversity jurisdiction purposes. Id. p. [592 F.3d 418]

> [can you imagine it took 20 years for them to "understand and clarify Carden" (retarded is "slow learning") not a pejorative]
>
> [and "further" you cannot say "LLC has one Definition for Diversity" and a "different Definition for all other Federal Jurisdictional Statutes":
>
> In interpreting this text, we are guided by the principle that "[t]he Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning." United States v. Sprague, 282 U. S. 716, 731 (1931); see also Gibbons v. Ogden, 9 Wheat. 1, 188 (1824). Normal meaning may of course include

> an idiomatic meaning, but it excludes secret or technical meanings that would not have been known to ordinary citizens in the founding generation. Id. p. 3; DISTRICT OF COLUMBIA v. HELLER 554 U. S. ____ (2008);
>
> **1. Operative Clause.**
> **a. "Right of the People."** The first salient feature of the operative clause is that it codifies a "right of the people." The unamended Constitution and the Bill of Rights use the phrase "right of the people" two other times, in the First Amendment's Assembly-and-Petition Clause and in the Fourth Amendment's Search-and-Seizure Clause. The Ninth Amendment uses very similar terminology ("The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"). All three of these instances unambiguously refer to individual rights, not "collective" rights, or rights that may be exercised only through participation in some corporate body.5 id. p. 5; DISTRICT OF COLUMBIA v. HELLER 554 U. S. ____ (2008);
>
> or as in Simbraw "only through a licensed agent": "you can only assert these rights if you are a member of a militia" or you licensed agent is a "member of an approved non-profit" ACLU, ABA, or Move on Dot Org etc. ...

Based on this record, this Court sua sponte noted the apparent absence of complete diversity and directed the parties to submit supplemental briefing on the question of this Court's jurisdiction. [592 F.3d 419]

> Here Keith Dougherty "prevailed in his motion only to have all briefing denied" by a Hobbs Act Conspiracy to benefit ABA "members":

A corporation [Like Carlisle Tire and Wheel [Cluck U Inc., CUC of MD Inc.]] and "all of its/their holdings"] is a citizen both of the state where it is incorporated and of the state where it has its principal place of business. 28 U.S.C. § 1332(c). [592 F.3d 419]

In light of this rule, Pyrotecnico's presence defeats complete diversity in this case. On the plaintiff side, Zambelli, as a corporation incorporated under the laws of Pennsylvania and with its principal place of business in New Castle, Pennsylvania, is a citizen of Pennsylvania. On the defendant side, Wood, who is domiciled in Florida, is a citizen of Florida. And Pyrotecnico, despite being a Nevada limited liability company, has a single member: Pyrotecnico of Louisiana, LLC, a Louisiana limited liability company. Tracing its citizenship through the layers, Pyrotecnico takes on the citizenship of the members of Pyrotecnico of Louisiana, including its managing member Stephen Vitale. Because Stephen Vitale is a resident of New Castle, Pennsylvania, Pyrotecnico is a citizen of Pennsylvania and is not diverse from Zambelli, another citizen of Pennsylvania. Complete diversity is therefore lacking. [592 F.3d 420]

Accordingly, we hold that Pyrotecnico is a dispensable party to this action and we will exercise our Rule 21 authority to dismiss Pyrotecnico on appeal, thus restoring complete diversity in this case. Having cured the jurisdictional defect (how Ironic???), we now proceed to the merits of the appeal. [592 F.3d 422]

Zambelli Fireworks Mfg. Co., Inc. v. Wood 592 F.3d 412 (3rd Cir 2010);

Translation for "socialists".... LLC as an "entity" does not convey "citizenship" whereas "corporation does"; And Carden says "courts are not intelligent enough to decide jurisdiction" based on "statutory terms" such as "person"; Burwell v. Hobby Lobby 1 USC 1; "reversing this "incompetent Circuit's Plagiarizing Keith Dougherty's Argument as to "Miranda" being available for "sole proprietors" and or "sole practitioners" in Conestoga Woods Specialties 13-1144 (7/26/2013);

It is absurd "as in the "unconstitutional expansion of Simbraw" relying on the "sloppy at best" [Dicta] in Rowland v. Men's Colony (1993); to say" [sole proprietors] can be treated as "corporations" by "judicial fiat": "as a "drive by jurisdictional ruling that can be accorded no precedential effect":

There is "no constitutional authority" for a Judge [or clerk] "in determining The "PA Bar Code"" to say "sole practitioners" cannot "appear *pro se*":

> As Keith T. Dougherty does not appear to be a licensed attorney, he may not represent Docson Consulting, LLC or Keith Dougherty Insurance and Consulting in this appeal. Accordingly, it is hereby ORDERED that an attorney must enter an appearance on behalf of Docson Consulting, LLC and Keith Dougherty Insurance and Consulting within 21 days of the date of this Order or the appeal will be dismissed as to Docson Consulting, LLC and Keith Dougherty Insurance and Consulting. See 3rd Cir. LAR 107.2. Case: 11-2631 Document: 003110567959 Page: 1 Date Filed: 06/20/2011

Void as "without jurisdiction"; Preliminary Injunction "for declaratory relief" mandatory under the "petition clause":

Simbraw v. United States, 367 F.2d 373(3d Cir. 1966); ("[a] corporation may appeal in federal courts only through licensed counsel.") [now] was reversed in Burwell v. Hobby Lobby "S-Corps" are protected by 1 USC 1 "without need to reach the constitutional question" already resolved in Bellis v. US (1974) citing Boyed v. US (1886) "common law" prohibits "these determinations": Any LLC "as an investment" is "personal property"; HORNE v. DEPARTMENT OF AGRICULTURE 576 U. S. ____ (2015);

See instead here "Keith Dougherty prevails in his 6/22/2011 motion by Order of 8/5/2011 Case: 11-2631 Document: 003110616909 (M.D. Pa. Civ. No. 10-cv-01071) Present: FISHER and BARRY, Circuit Judges. "only to have all briefing [later] quashed" case "dismissed" without any "Rule 3 Jurisdiction" (Scirica, Smith, and Chagares "conspiring with Then Chief McKee); in light of "Bowels v. Russel" citing "Griggs v. Provident Consumer Discount" (reversing the 3rd Cir per curiam):

Pro se filings, such as ….(all of Keith Dougherty's Filings) , must be liberally construed. See…

> Precedential [represented by ABA "students"];
>
> The District Court did not address her point [there] and, instead, ...Conspired to "invalidate [here] Keith Dougherty's Due Process Rights" [in both State and Federal Courts] ... In doing so, the ... Court abused its discretion.
>
> Liggon-Redding v. Estate of Sugarman (3rd Cir., 2011)
>
> Declaratory and other Relief Demanded

In all claims "Keith Dougherty incorporates by Reference all 22+ Cases referred to in 16-9425;

> Count I; [declaratory judgment] Chief Judge Conner et al "are guilty of Negligent Homicide" and "Criminal Conspiracy" in the Death of Jean Brady, Sara Runk and Larry Runk II by "insisting the only way to get paid [from Carlisle Tire and Wheel] is to "disassociate himself /themselves with Keith Dougherty""; additionally "with the corruption of KBJ" in 15-CV-582 (DC DC) along with 15-CV-5516 (ED PA) Docson Consulting LLC "is now legally dead" [where the name is damaged beyond "any use"];
>
> Declaratory Judgment as to "person" and using Strict Scrutiny as to 28 USC 1654;
>
> Count II, In all claims "Keith Dougherty incorporates by Reference all 22+ Cases referred to in 16-9425 [all defendants];
>
> > Declaratory Judgment as to 28 USC 2072 [inclusive of Rule 12(h)] under the "collateral order [doctrine] rule";
>
> 28 U.S. Code § 2072 - Rules of procedure and evidence; power to prescribe;
>
> > (b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.